

JON N. IKENAGA
STATE PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAI'I 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAI'I 96817

APPELLATE DIVISION
TEL. No. (808) 586-2080

DISTRICT COURT DIVISION
TEL. No. (808) 586-2100

FAMILY COURT DIVISION
TEL. No. (808) 586-2300

FELONY DIVISION
TEL. No. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAI'I
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y.C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
SUITE 201
HILO, HAWAI'I 96720
TEL. No. (808) 974-4571
FAX No. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. No. (808) 327-4650
FAX No. (808) 327-4651

KAUA'I OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAI'I 96766
TEL. No. (808) 241-7128
FAX No. (808) 274-3422

MAU'I OFFICE
81 N. MARKET STREET
WAILUKU, HAWAI'I 96793
TEL. No. (808) 984-5018
FAX No. (808) 984-5022

**Testimony of the Office of the Public Defender,
State of Hawai'i to the House Committee on Human Services & Homelessness**

March 20, 2025

HR 170 / HCR 174: REQUESTING THE DEPARTMENT OF HUMAN SERVICES' OFFICE OF YOUTH SERVICES AND JUVENILE JUSTICE STATE ADVISORY COUNCIL TO EXAMINE THE AVAILABILITY AND UTILIZATION OF AINA-BASED LEARNING PROGRAMS OFFERED TO YOUTH IN THE JUVENILE LEGAL SYSTEM

Chair Marten, Vice-Chair Olds, and Members of the Committee:

The Office of the Public Defender **supports HR 170 / HCR 174:**

The Office of the Public Defender represents juveniles in the criminal justice system. Most of our juvenile clients come from families with limited incomes and live in poverty. Many of our clients are not only entangled in the criminal justice system but may also be in foster care and have limited access to resources that many in our community take for granted. Our clients who live in public housing or who live in more urban areas are often disenfranchised from connecting to outdoor aina-based activities that provide valuable opportunities to learn about caring for the land and the natural environment. We agree that "disconnection from culture increases the likelihood of intergenerational trauma and recidivism" and that "through aina-based approaches, learners can deepen their relationships with the natural environment,

cultivating connections with their communities and building critical skills that can be applied to real-world issues.”

We join in the call to examine the availability and utilization of aina-based learning programs offered to youth in the juvenile legal system. Providing more aina-based opportunities to youth in our juvenile legal system will have positive outcomes that are in alignment with the mission of the Family Court to support the rehabilitation of juveniles in distress and reduce recidivism.

Thank you for the opportunity to comment on this measure.

HCR-174

Submitted on: 3/18/2025 6:40:37 PM

Testimony for HSH on 3/20/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynette Cruz	Malama Makua	Support	Written Testimony Only

Comments:

Strong support for HR 70/HCR174. Aina work, with an appropriate Hawaiian cultural foundation, will help both the land and youth to heal. Our communities need healing in so many ways. This can be a first step.



**Testimony in Support of HR 170/HCR 174
Submitted by Nā 'Ōpio Waiwai, Youth Council of 'Ekolu Mea Nui
Committee on Human Services & Homelessness**

March 19, 2025

Aloha Chair Marten, Vice-Chair Olds, and Members of the Committee,

We are [Nā 'Ōpio Waiwai](#), the youth council of 'Ekolu Mea Nui, a collective committed to uplifting Native Hawaiian youth and dismantling intergenerational incarceration through cultural practices and advocacy. As young leaders rooted in the values of aloha 'āina (love for the land) and 'ohana (family), we strive to empower justice-impacted communities and transform systems that disproportionately harm our people. We would have preferred to provide testimony in person today, but as Native Hawaiian youth who have strong beliefs in 'āina based learning and continuing the practices of our Kupuna—we are currently enrolled as 'ōpio leaders with Ka Pahuhopu o Kawainui's Spring program. Please accept our apologies.

We speak from personal and shared experiences within our communities to support this resolution for passage. HR 170/HCR174 is a step toward justice, equity, and healing for all young people in Hawai'i.

Our WHY:

1. HR 170/HCR 174, Has the Power to Transform

'Āina-based learning has been an integral part of our lives, shaping our understanding of healing, cultural identity, and sustainability. Through firsthand experience, we have witnessed how reconnecting with the land fosters resilience, well-being, and a deep sense of kuleana (responsibility) to our community. This resolution aligns with our commitment to land stewardship, cultural preservation, and holistic healing, ensuring that future generations can benefit from the transformative power of 'āina-based practices.

2. HR 170/HCR 174, A More Effective Approach to Community Service

'Āina-based learning programs are more effective than traditional community service because they create tangible, lasting impact. Unlike one-time service activities, 'āina-based projects grow over time, allowing participants to see their direct contributions—whether in restoring native ecosystems, cultivating food, or building sustainable systems. This hands-on, long-term engagement fosters a deeper connection to place, instills a sense of kuleana (responsibility), and provides measurable progress through the transformation of the land itself. By integrating cultural values and real-world problem-solving, 'āina-based learning ensures that service is not just a task, but a pathway to resilience, healing, and meaningful change.

3. HR 170/HCR 174, Provides culturally relevant solutions

HC 170 is critical in addressing the overrepresentation of Native Hawaiians in the justice system by providing culturally grounded programs that reconnect individuals to their 'ike kūpuna (ancestral knowledge). Research shows that strengthening cultural identity enhances self-esteem, relationships, and mental health, key factors in reducing recidivism and fostering long-term well-being. By integrating 'āina-based learning and cultural practices, HC 170 offers a transformative, community-centered approach that empowers Native Hawaiians, restores resilience, and disrupts cycles of incarceration.

Our Ask

We ask you to support HC 170/HCR174 not just for us, but for all of Hawai'i's families.

We thank you for the opportunity to testify and for your commitment to Hawai'i's youth. Together, we can create a system that uplifts rather than punishes, and supports rather than burdens.

Mahalo nui loa,



'Ōhāwai Manuel.



Zoe Martinez



Aubree K-aloha



Oaklynd Unea-Beamer



Hailee K-aloha

Nā 'Ōpio Waiwai
Youth Council of 'Ekolu Mea Nui
now@ekolumeanui.org



Berkeley Law

Policy Advocacy Clinic

**THE HONORABLE LISA MARTEN, CHAIR
THE HONORABLE IKAIKA OLDS, VICE CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 20, 2025

**RE: H.R. No. 170/H.C.R. NO. 174:
REQUESTING THE DEPARTMENT OF HUMAN SERVICES' OFFICE OF YOUTH SERVICES AND
JUVENILE JUSTICE STATE ADVISORY COUNCIL TO EXAMINE THE AVAILABILITY AND
UTILIZATION OF AINA-BASED LEARNING PROGRAMS OFFERED TO YOUTH IN THE JUVENILE
LEGAL SYSTEM.**

Dear Chair Marten, Vice-Chair Olds, and Members of the Committee:

On behalf of the national Debt Free Justice campaign, we respectfully submit the following testimony to express our strong support for H.R. No. 170/H.C.R. No. 174, to examine the availability and utilization of 'āina-based learning programs offered to youth in the juvenile legal system.

Debt Free Justice is the national campaign to end harmful financial penalties (fees and fines) assessed against youth and their families in juvenile legal systems throughout the country. The campaign is coordinated by the National Center for Youth Law, Juvenile Law Center, and UC Berkeley Law's Policy Advocacy Clinic, and powered by dozens of grassroots state advocacy organizations. Since 2021, Debt Free Justice has supported successful efforts in over 20 states to eliminate youth fees and fines, discharge outstanding court debt, and shift juvenile systems to alternatives that achieve justice and accountability through evidence-based strategies.

Debt Free Justice Hawai'i is a statewide coalition of advocacy organizations, academic institutions, and law and public policy experts dedicated to eliminating the harmful and unjust fees and fines imposed on youth and their families in the Hawai'i Family Court system. Led by Hawai'i non-profit 'Ekolu Mea Nui and supported by the Policy Advocacy Clinic at UC Berkeley School of Law and others, the Coalition has spent over four years researching fees and fines in Hawai'i, engaging directly with impacted youth and families, and crafting policy alternatives in collaboration with juvenile system attorneys and administrators.

Hawai'i state law authorizes the assessment of fees and fines against youth and their families in the juvenile legal system. These costs can range dramatically, from \$10 to \$5,000 for any given

fee or fine.¹ These costs can accumulate, quickly becoming an insurmountable debt that imposes long-lasting financial and emotional harm on youth and their families.²

Recognizing the significant toll that court debt places on young people, Hawai'i courts have already taken bold actions to design alternatives that achieve rehabilitation and accountability for youth without ordering crushing financial penalties. In lieu of fees and fines, Hawai'i courts often order minors to complete community service. However, traditional options for community service often fail to provide youth with meaningful opportunities to achieve accountability and rehabilitation.

Analyzing trends from 2021 through 2023, the Hawai'i Department of Human Services' Office of Youth Services found that Native Hawaiian and Pacific Islander youth are disproportionately represented throughout the juvenile legal system, from arrest and petition to detention and probation.³ Culturally relevant programs are critical to reforming youth for the better. Indeed, research indicates that "participation in culturally-relevant programs is related to lower odds of re-offending than standard programming."⁴ 'Āina-based learning fills this gap, providing enriching experiences for youth that connect them back with the land, their families and peers, and the larger communities in which they reside. As part of the Aloha+ Challenge, Hawai'i has already committed to exploring and integrating 'āina-based learning into school curricula.

This resolution, drafted by youth organizers at Nā 'Ōpio Waiwai⁵ for the benefit of systems-involved youth in Hawai'i, seeks to expand the state's investment in 'āina-based learning by extending its reach to the juvenile legal system. This resolution calls for the Juvenile Justice State Advisory Council and the Office for Youth Services to examine and disseminate resources relating to 'āina-based learning, ensuring that courts are better-equipped to direct youth to these programs as part of their court-ordered rehabilitation. By compiling a list of organizations employing 'āina-based learning, courts and communities alike can rest assured that wayward youth are being directed to programs that will enrich the lives of youth by connecting them back with the land and culture which have sustained life on the islands for generations.

We respectfully ask for your aye vote on this measure. Thank you for the opportunity to share our research and express our concerns on this measure.

Respectfully submitted,



Cameron D. Clark, Esq.
National Co-Coordinator
Debt Free Justice



Jamee Māhealani Miller, EdD, LSW
'Ēkolu Mea Nui
Co-Executive Director

¹ See, e.g., Haw. Rev. Stat. § 291E-61 (providing for mandatory fines of up to \$3,000 for first-time juvenile vehicular offenses), § 291E-61.5 (providing for mandatory fines of up to \$5,000 for repeat juvenile vehicular offenses).

² Depending on the circuit, youth and families are charged, on average, over \$600 in court costs per case. See HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

³ HAW. DEP'T HUM. SERVS., OFF. YOUTH SERVS., HAWAII JUVENILE JUSTICE SYSTEM CRIME ANALYSIS, STATE FISCAL YEAR 2021–2023 246–263 (2025), https://drive.google.com/file/d/1BqiWJszmxWvd17MxxcWK9c9u-tY3ZoWu/view?usp=share_link.

⁴ Leticia Gutierrez et al., PUBLIC SAFETY CANADA, *Culturally-Relevant Programming Versus the Status Quo: A Meta-Analytic Review of the Effectiveness of Treatment for Indigenous Offenders* 20 (2018), https://publications.gc.ca/collections/collection_2021/sp-ps/PS18-40-2018-eng.pdf.

⁵ Nā 'Ōpio Waiwai is the youth council of Hawai'i nonprofit 'Ekolu Mea Nui. Learn more: <https://ekolumeanui.org/youth>.



March 19, 2025

Testimony in Support of HR 170/HCR174

Aloha Chair Martens, Vice-Chair Olds
and Members of the Committee on Human Services & Homelessness

My name is Jamee Māhealani Miller, and I am the Co-Executive Director of 'Ekolu Mea Nui, a Native Hawaiian-led nonprofit organization committed to transforming Hawai'i's justice system through reinvestment in Native Hawaiian cultural practices and values. At 'Ekolu Mea Nui, we refuse to accept the criminal and juvenile legal systems as they are. We believe that alternatives to incarceration and punitive sanctions not only exist but are essential to creating a justice system that truly serves the people.

Our vision is a pono justice system—one that heals and empowers individuals, 'ohana, and communities. To make this vision a reality, we advocate for innovative laws and policies that move away from punishment and instead focus on restoring the human spirit and strengthening resilient 'ohana. HR 170/HCR174 aligns with this mission, we strongly support the passage of this resolution to encourage judges to assign youth to 'āina-based learning as a form of community service. This approach provides a meaningful, culturally grounded alternative that fosters personal growth, responsibility, and connection to the land. We fully support efforts to identify these 'āina-based learning resources across our state, ensuring that youth have opportunities to engage in service that is restorative, educational, and transformative.

Research indicates that participation in culturally relevant programs is related to lower odds of re-offending than standard programming.

HR 170/HCR 174 embodies the values of aloha, kuleana, and mālama 'ohana by prioritizing healing over punishment and financial strain. As Native Hawaiians, we understand that true accountability comes from repairing relationships and restoring balance, not by deepening divides. This resolution represents a critical step toward building a justice system that uplifts and supports youth, rather than compounding the challenges they already face.

At 'Ekolu Mea Nui, we are dedicated to advancing culturally grounded solutions to address intergenerational incarceration and support justice-involved youth and their families. We believe that HR 170/HCR 174 is essential to ensuring that Hawai'i's youth are given the opportunity to heal, grow, and thrive within their families and communities.

Mahalo nui loa for considering this measure and for your dedication to the well-being of Hawai'i's youth and families. We strongly urge the Committee to support this resolution.

Me ke aloha,

Jamee Māhealani Miller, EdD, LSW
‘Ekolu Mea Nui
Co-Executive Director

jamee@ekolumeanui.org

Opportunity for Youth Action Hawai'i

KAWAIILOA

March 20, 2025

House Committee on Human Services and Homelessness

Hearing Time: 10:15AM

Location: Room 329 via Videoconference

Re: HCR174/HR170, Requesting the Department of Human Service's Office of Youth Services and Juvenile Justice State Advisory Council to Examine the Availability and Utilization of 'Āina-based Learning Programs Offered to Youth in the Juvenile Legal System

Aloha e Chair Marten, Vice Chair Olds and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **strong support of HCR174, requesting the Department of Human Service's Office of Youth Services and Juvenile Justice State Advisory Council to examine the availability and utilization of 'āina-based learning programs offered to youth in the juvenile legal system.**

The juvenile justice system disproportionately impacts Native Hawaiian, Pacific Islander, and African American youth. They are more likely to be arrested and detained, and the fees, fines, costs, and restitution impose financial hardships on the youth and their families. Alternatively, youth may be ordered to complete community service hours, but the available opportunities fail to heal or reconnect them to their culture and land. Youth remain disconnected, increasing their chances of intergenerational trauma and recidivism.

'Āina-based education teaches youth critical thinking and problem-solving skills, communication and teamwork, observation, routine, repetition, and learning by doing. Through aloha 'āina, youth learn lōkahi, a sense of connection to the land, and kuleana, the responsibility to care for the land and others. They also learn reciprocity, where they know that when they care for the land, the land will in turn care for them. Youth develop stability and thrive when they can focus their energy on something positive, like deepening their relationship with their natural environment, cultivating connections with their community, and acquiring skills to tackle real-world issues. Engaging with the 'āina inspires them to care for their environment and communities like it is their 'ohana. They will also likely encourage others to do the same. Hawai'i has already committed to offering more 'āina-based education and stewardship opportunities to support youth healing and rehabilitation, and many non-profit organizations utilizing 'āina-based learning are eager to support youth. By offering more 'āina-based community service opportunities, HCR174 acknowledges the healing power of aloha 'āina. This bill allows troubled youth to be rehabilitated and reintegrated back into their community through the 'āina, cultivating positive change and growth.

Opportunity for Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

Please support HCR174/HR170.

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840