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**Testimony of the Office of the Public Defender,  
State of Hawai'i to the House Committee on Judiciary & Hawaiian Affairs**

April 1, 2025

HCR 174 HD1 / HR 170 HD1:

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 Tarnas, Vice-Chair Poepoe, and Members of the Committee:

The Office of the Public Defender **strongly supports HCR 174 HD1 / HR 170 HD1:**

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 and enrichment opportunities 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.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



LEANNE GILLESPIE  
EXECUTIVE DIRECTOR  
LUNA HO'OKELE

Phone: (808) 587-5710  
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STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
DEPARTMENT OF HUMAN SERVICES  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
**OFFICE OF YOUTH SERVICES**  
KE'ENA LAWELAWE 'ŌPIO  
1010 Richards Street, Suite 314  
Honolulu, Hawaii 96813

April 1, 2025

TO: The Honorable Representative David A. Tarnas, Chair  
The Honorable Representative Mahina Poepoe, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Leanne Gillespie, Executive Director

SUBJECT: HCR 174 HD1 / HR 170, HD1 – 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.  
Hearing: April 1, 2025, 2:00 p.m.  
Conference Room 325 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Office of Youth Services (OYS) supports the intent of this resolution as it relates to the Office of Youth Services and offers comments.

**PURPOSE:** The purpose of this bill is to request the 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 justice system.

The Office of Youth Services (OYS) continually analyzes programs and services to ensure it's meeting the needs of at-risk and system involved youth. Additionally, the OYS offers aina-based cultural learning programs through contracts and collaborative partnerships at our

AN EQUAL OPPORTUNITY AGENCY

Kawailoa Youth and Family Wellness Center. The OYS further continues its collaborative relationship with the Family Courts to improve programs and services for youth involved in the juvenile justice system. While OYS appreciates the intent of this resolution, performing the specific tasks of this resolution are difficult without additional resources. OYS will continue to focus on its core statutory responsibilities to provide a continuum of services for youth, including cultural-based aina programs.

Thank you for the opportunity to provide comments.



**THE HONORABLE DAVID A. TARNAS, CHAIR  
THE HONORABLE MAHINA POEPOE, VICE CHAIR  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawai'i**

April 1, 2025

**RE: H.R. No. 170 H.D. 1/H.C.R. NO. 174 H.D.1:  
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 Tarnas, Vice-Chair Poepoe, 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.D. 1/H.C.R. No. 174 H.D. 1, 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.<sup>1</sup> These costs can accumulate, quickly becoming an insurmountable debt that imposes long-lasting financial and emotional harm on youth and their families.<sup>2</sup>

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.<sup>3</sup> 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."<sup>4</sup> '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 Waiwai<sup>5</sup> 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  
'Ekolu Mea Nui  
Co-Executive Director

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<sup>1</sup> 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).

<sup>2</sup> 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](https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf).

<sup>3</sup> 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](https://drive.google.com/file/d/1BqiWJsZmxWvd17MxxcWK9c9u-tY3ZoWu/view?usp=share_link).

<sup>4</sup> 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](https://publications.gc.ca/collections/collection_2021/sp-ps/PS18-40-2018-eng.pdf).

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



**Testimony In Support of  
HCR 174, HD1 / HR 170, HD1**

**Submitted by Nā'Ōpio Waiwai, Youth Council of 'Ēkolu Mea Nui  
Committee on Judiciary & Hawaiian Affairs**

**March 31, 2025**

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members Of The Committee,

We are [Nā 'Ōpio Waiwai](#), the youth council of 'Ēkolu 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 we have school requirements. Please accept our apologies.

We speak from personal and shared experiences within our communities to support this resolution for passage. HCR 174, HD1 /HR 170 HD1 is a step toward justice, equity, and healing for all young people in Hawai'i.

**Our WHY:**

**1. HCR 174, HD1 /HR 170 HD1, 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. HCR 174, HD1 /HR 170 HD1, 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. HCR 174, HD1 /HR 170 HD1, Provides culturally relevant solutions**

HCR 174, HD1 /HR 170 HD1 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 **HCR 174, HD1 /HR 170 HD1** not just for us, but for all of Hawaii'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,



Zoe Martinez, 'Ōhāwai Manuel, Aubree K-aloha, Hailee K-aloha, Oaklynd Unea-Beamer

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



April 1, 2025

## Testimony in Support of HR 170 HD 1

Aloha Chair Tarnas, Vice-Chair Poepoe  
and Members of the Judiciary & Hawaiian Affairs

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 HD 1 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 HD 1 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 HD 1 is essential to ensuring that Hawai‘i’s youth are given the opportunity to heal, grow, and thrive within their families and communities. **In fact, we are incredibly proud of our youth-led council, Nā ‘Ōpio Waiwai or NOW who authored this resolution. As young**

**aloha ‘āina practitioners themselves, they see the value and the transformation that occurs when engaging with ‘āina. Let their voices be heard.**

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,

A handwritten signature in black ink, reading "Jamee Māhealani Miller". The signature is fluid and cursive, with the first name "Jamee" being the most prominent.

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

[jamee@ekolumeanui.org](mailto:jamee@ekolumeanui.org)

# Opportunity for Youth Action Hawai'i

# KAWAIILOA

April 1, 2025

House Committee on Judiciary and Hawaiian Affairs

Hearing Time: 2:00PM

Location: Room 325 via Videoconference

Re: HCR174 HD1/HR170 HD1, 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 Tarnas, Vice Chair Poepoe and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **strong support of HCR174 HD1/HR 170 HD1 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. Alternatively, youth may be ordered to complete community service hours, but the available opportunities fail to rehabilitate, heal, or reconnect them to their culture and land. Thus, youth remain disconnected and disengaged, increasing their chances of intergenerational trauma and recidivism.

However, 'āina-based initiatives can reconnect youth back to themselves, their 'ohana, culture, and community. Through aloha 'āina, youth learn lōkahi and kuleana, a sense of connection and responsibility to care for the land and others, and reciprocity. When the youth care for the land, they see that the land, in return, cares for them. 'Āina-based education teaches youth critical thinking and problem-solving, communication and teamwork, observation, routine, repetition, and learning by doing. Youth develop stability and thrive when they channel their energy toward something positive, like deepening their relationship with their natural environment, cultivating connections with their community, and acquiring skills to tackle real-world issues. 'Āina-based initiatives are rooted in engagement with land, ocean, air, and all living things. Engaging with the 'āina inspires them to care for their environment and communities like it is their 'ohana and encourage others to do the same. Aloha 'āina also allows youth to learn about, uplift, and perpetuate the practices of their kūpuna, strengthening their families and communities.

Hawai'i is already committed to offering more 'āina-based education and stewardship opportunities for youth healing and rehabilitation, and many non-profit 'āina-based learning organizations are eager to support. HCR174 HD1 acknowledges the healing power of aloha 'āina, requesting that the State offer youth more opportunities to engage in 'āina-based community service. It ensures that the Department of Human Services' Office of Youth Services and Juvenile Justice State Advisory Counsel examines the availability and utilization of 'āina-based youth learning programs and creates and disseminates a list of organizations committed to this work that can be referenced when assigning community service. This bill prioritizes rehabilitating and reintegrating troubled youth 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 houselessness 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 HD1/HR 170 HD1.**

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



Hawai'i

Committee: Judiciary & Hawaiian Affairs  
Hearing Date/Time: Tuesday, April 1, 2025, at 2:00pm  
Place: Conference Room 325 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HCR174/HR170 HD1**

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The ACLU of Hawai'i supports **HCR174/HR170 HD1**, which requests the Department of Human Services' 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.

Hawai'i has been at the forefront of transforming our juvenile justice system -reducing the number of youth at Hawai'i Youth Correctional Facility, incorporating trauma informed care for youth and, and recognizing the importance of Native Hawaiian cultural practices and 'ohana to healing and wellness. We will continue this trajectory of decarceration by collaboratively working to implement data-driven solutions across systems.

Of note, a comprehensive study of Hawaiian culture-based education (HCBE) completed in Hawai'i demonstrate that HCBE is positively associated with student socio-emotional outcomes, which in turn support educational and lifelong achievements.<sup>1</sup> The study concluded that students in HCBE-rich classrooms have higher connections to community, a greater sense of belonging, deeper cultural affiliations, increased self-efficacy, and more pronounced college aspirations than their counterparts.

While the study was focused on data from thousands of students, teachers and parents from Hawai'i public schools, state charter schools and Kamehameha Schools K-12 campuses, this is promising data for offering cultural based āina learning programs to youth in the juvenile legal system. **Please support HCR174/HR170 HD1.**

Sincerely,

Carrie Ann Shiota  
Policy Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.*

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<sup>1</sup> [https://www.ksbe.edu/assets/pdfs/Mohala\\_i\\_ka\\_wai\\_Cultural\\_Advantage.pdf](https://www.ksbe.edu/assets/pdfs/Mohala_i_ka_wai_Cultural_Advantage.pdf)