



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

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By

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HB 2015 HD1 – RELATING TO THE UNIVERSITY OF HAWAII

Aloha Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs:

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 Mānoa. Please accept this written testimony as indicative of the University of Hawai'i support for HB 2015 HD1 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 social 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.