



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 Judiciary and Hawaiian Affairs
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By

Camille Nelson, Dean

William S. Richardson School of Law

Jonathan K Osorio, Dean

Hawai'inuiākea School of Hawaiian Knowledge

Tetine Sentell, Interim Dean

Thompson School of Social Work & Public Health

And

Michael Bruno, Provost

University of Hawai'i at Mānoa

HB 877 HD1 – RELATING TO THE UNIVERSITY OF HAWAII

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

My name is Camille Nelson, and I serve as the Dean of the William S. Richardson School of Law, at the University of Hawai'i Mānoa. I am here to testify in strong support of HB 877 HD1 establishing Ho'okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai'i.

As a professor of Criminal Law, Criminal Procedure, and Professional Responsibility whose scholarship explores these doctrinal areas through the lens of identity theories such as critical race theory and cultural studies, I can testify that there is a long and ugly history of oppression of native people and people of color in the criminal legal system, including in Hawai'i. Unfortunately, scant attention is paid to the societal factors that lead to involvement in the criminal legal system and little investment is made in rehabilitation, restoration, and healing, as opposed to discipline, punishment, and ostracism.

The emphasis on restoration and healing with Ho'okaulike recognizes the complexity of challenges often confronting people involved in 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. They have contributed to intergenerational poverty, grief, fear, trauma, alienation from, and distrust of, the criminal legal system. With the Criminal Legal System Institute for Restoration and Healing, we have an opportunity to create a place-based approach grounded in restorative, inclusive, and healing interdisciplinary frameworks, an approach that recognizes and respects the distinct and unique history of this State, and which would include Hawai'i at the forefront of States grappling with these issues.

HB 877 HD1 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, including people who are negatively impacted by the aforementioned social determinants of health, which in turn disparately affects 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 & Public Health, will conduct 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 engage 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 significant amounts of money on policing, prosecution, and incarceration and there is no discernible 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, to the carceral system on a daily basis. This Institute will identify community leaders and resources, and 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 William S. Richardson School of Law, Hawai'inuiākea School of Hawaiian Knowledge, and the Thompson School of Social Work & Public Health, each of which has a demonstrated history and commitment of developing highly effective and community-engaged institutes of research and advocacy, including the 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, and 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.