



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
Wednesday, March 22, 2023 at 2:00 p.m.

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 and Public Health

William Chapman, Dean

School of Architecture

And

Michael Bruno, Provost

University of Hawai'i at Mānoa

HCR 76/HR 77 – URGING THE UNIVERSITY OF HAWAII TO ESTABLISH A RESTORATIVE JUSTICE RESEARCH INSTITUTE, OR HOOKAULIKE, AT THE WILLIAM S. RICHARDSON SCHOOL OF LAW

Chair Perruso, Vice Chair Kapela, 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, and with the support from the leadership at Hawai'inuiākea School of Hawaiian Knowledge, the Thompson School of Social Work and Public Health, and the School of Architecture, we support the intent of HCR 76/HR 77. As the University of Hawai'i continues our efforts for the passage of HB 877 HD1, we believe that HCR 76/HR 77 can be a catalyst with this effort.

UH respectively request the committee consider this friendly amendment:

"Urge the University of Hawai'i to conduct a study regarding the establishment of a restorative justice institute or Ho'okaulike at the William S. Richardson School of Law and to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024."

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 study related to the Criminal Legal System Institute for Restoration and Healing, we have an opportunity to learn more about the details of 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.

A study regarding the establishment of a restorative justice institute 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.

Thank you for the opportunity to provide testimony on these measures.