

2025

LEGISLATIVE PRIORITIES

ACLU OF HAWAII

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DECRIMINALIZING POVERTY

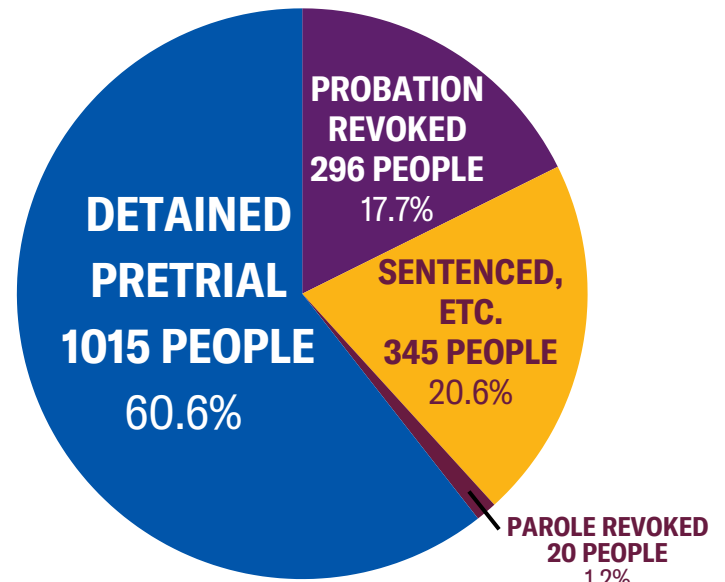
We cannot criminalize our way out of homelessness and poverty. Alongside our work in the courts, we champion public policies that invests in meeting everyone's needs and eliminates economic and racial disparities.

When enough hardships collide at once — like losing your job, healthcare, food stamps, housing, leaving a domestic violence situation—you end up with no place to go. This primarily impacts BIPOC (Black, Indigenous, & People of Color), military veterans, domestic violence survivors, LGBTQ+ youth, people with disabilities, and other marginalized communities.

ACLU of Hawai'i supports measures where we see people with limited resources being criminalized not as a personal failure but as a societal failure, and where cycles that criminalize poverty no longer exist.



O.C.C.C. JAIL POPULATION



SOURCE: State of Hawai'i Department of Public Safety, "Weekly Population Report - 10/21/2424"

PRETRIAL FAIRNESS

On any given day, approximately 60% of people in Hawai'i's jails have not been convicted of a crime. Hundreds of people are incarcerated simply because they cannot afford the bail.

Our pretrial system is a destructive form of wealth-based detention that perpetuates cycles of poverty, increases the likelihood of criminal legal system involvement, overcrowds jails, and disproportionately harms Native Hawaiians, Pacific Islanders, and marginalized communities who are overrepresented in the criminal legal system.

It is far past time to seriously address these disparities in our carceral and judicial systems.

SMART JUSTICE

The ACLU's Smart Justice campaign seeks to reduce jail and prison populations by 50% and to eliminate racism in the criminal legal system.

Smart Justice means safer communities, fewer people behind bars, and fewer taxpayer dollars wasted on unnecessary incarceration.

ADULT USE CANNABIS LEGALIZATION

The war on drugs is a failure — and it has harmed our communities in the process.

The enforcement of cannabis prohibition wastes taxpayer dollars, perpetuates racial disparities, ruins lives, and puts people with minor non-violent convictions in severely overcrowded jails and prisons. Native Hawaiians, who do not use drugs at a higher rate than others, are incarcerated for drug offenses far more often than any other ethnicity in Hawai'i (OHA, 2010).

What's more, current policy wastes millions of dollars every year. For example, it costs Hawai'i taxpayers more than \$90,000 per year to incarcerate one adult. We believe those dollars could be put to far better use.

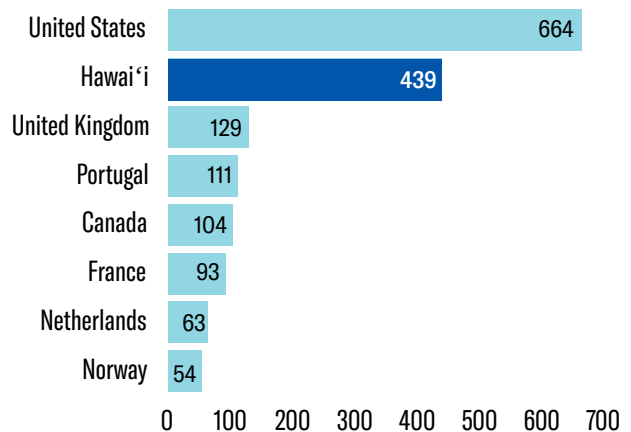
It's time to put misguided policies behind us and follow the 24 other states that have already legalized recreational use of cannabis by responsible adults.



POLICING TRANSPARENCY

Police officers are the first and sometimes only entity called to the scene when someone is in crisis. Requiring police to record demographic data, mental health status, perceived use of alcohol or drugs, and housing situation during their interactions with the public will allow departments and legislators to determine the effectiveness of existing law enforcement measures, identify trends, and make informed decisions consistent with best practices that increase public safety.

INCARCERATION RATES PER 100,000 PEOPLE



SOURCE: Prison Policy, "Comparing Hawaii and Founding NATO Countries", 2021

NO NEW JAILS

The O’ahu Community Correctional Center (OCCC) is well known to be operating far beyond its capacity. Designed for 630 beds with an operational capacity of 950, OCCC is housing nearly 1,100 people (see [10/21/24 Weekly Population Report](#)).



Virtually no effort has been made by the State to reduce the facility’s population. Even modest bail reform could dramatically shrink the jail’s population and the need for a large replacement for OCCC.

FAC.	DESIGN BED CAP.	OPER. BED CAP.	TOT.
HCCC	206	226	308
SNF	90	132	0
HMSF	496	992	705
KCCC	110	128	90
KCF	200	200	78
MCCC	209	301	206
OCCC	628	954	1072

We are calling for a 3 year moratorium on any jail expansion spending until sincere efforts to reduce jail populations have been implemented and the outcomes reviewed.

Hawai’i must redirect funding away from mass incarceration and into health, housing, and social services and invest in our communities.

DCR FORENSIC AUDIT

in 2024, the legislature appropriated \$100 million to DCR for a variety of projects for jails and prisons around the state. This figure included \$22.5 million a “consolidated health care unit” at Halawa Correction Facility and \$10 million for continued planning and design of the replacement for OCCC.

DCR was also separated from the Department of Law Enforcement, which combined previously constituted the Department of Public Safety.

These two factors, when considered collectively, are leading to calls for a forensic audit of DCR.

Before the legislature appropriates any additional funds for questionable projects, it is important to know how DCR is spending its budget and whether or not the \$100 million for new projects could be spent in ways that better benefit the community.

REPRODUCTIVE FREEDOM

MIDWIFERY

The Hawai'i State Constitution guarantees the fundamental right to reproductive autonomy, including where and with whom to access pregnancy care and birth. Midwives can play a critical role in expanding access to health care reducing

unnecessary medical interventions, and providing culturally appropriate care.

There is a severe and dangerous lack of maternal health care in Hawai'i, especially in rural areas.

- Only 23 of Hawai'i's 29 hospitals have labor and delivery units.
- There are no hospitals with labor delivery units on Lana'i
- In Maui, people sometimes give birth on the side of the road en route to the only hospital on the island.

Research suggests traditional midwifery can lead to similar or better outcomes than planned hospital births.

- DOH data for fetal and infant morbidity from planned home births indicate lower rates of resuscitation, assisted ventilation, and NICU admission than planned hospital births
- Legal access to culturally responsive care of the birthing person's choosing, including traditional practices of that person's culture, is strongly correlated with increased safety and well-being



Racial Equity

Native Hawaiian and Pacific Islanders are

4.5x

more likely to receive late or no prenatal care than non-Hispanic white mothers.

Nearly half

of pregnancy-related deaths in Hawai'i occur among Native Hawaiian and other Pacific Islander women.

Midwifery offers an alternative to Native Hawaiian and Pacific Islanders who may not be able to afford care in a hospital, may not have access to transportation or childcare that would allow them to attend an appointment, or may not feel welcome in the health care system.