

# HB1067, HD1

Measure Title: RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY.

Report Title: Youth; Transfer to Adult Correctional Facility

Description: Repeals the authority of the Executive Director of the Office of Youth Services to transfer youth committed to the Hawaii Youth Correctional Facility to adult correctional facilities for disciplinary or other reasons. Effective July 1, 2011. (HB1067 HD1)

Companion: SB1294

Package: Gov

Current Referral: HMS/PGM, JDL

Introducer(s): SAY (BR)

COMMITTEE ON HUMAN SERVICES

Testifier Sheet  
3/17/2011 1:15 pm

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**HB1067** RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY. HMS/PGM,  
JDL

Repeals the authority of the Executive Director of the Office of Youth Services to transfer youth committed to the Hawaii Youth Correctional Facility to adult correctional facilities for disciplinary or other reasons. Effective July 1, 2011. (HB1067 HD1)

<u>Testifier</u>	<u>Organization</u>	<u>Position</u>	<u>Proposes Amend.</u>
Jodie Maesaka-Hirata	PSD	Supports	<input type="checkbox"/>
Pat McManaman	DHS	Supports	<input type="checkbox"/>
David Hipp	DHS>OYS	Supports	<input type="checkbox"/>
Kat Brady	Community Alliance on Prisons	Supports	<input type="checkbox"/>
Laurie Temple	ACLU of Hawaii	Supports	<input type="checkbox"/>
James Crowe		Supports	<input type="checkbox"/>

**NEIL ABERCROMBIE**  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**JODIE F. MAESAKA-HIRATA**  
DIRECTOR

**MARTHA TORNEY**  
Deputy Director  
Administration

**JOE W. BOOKER, JR.**  
Deputy Director  
Corrections

**KEITH KAMITA**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON HOUSE BILL 1067 HD1  
RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY**

by  
**Jodie F. Maesaka-Hirata, Director**  
**Department of Public Safety**

**Senate Committee on Human Service**  
**Senator Suzanne Chun Oakland, Chair**  
**Senator Les Ihara, Jr., Vice Chair**

**Senate Committee on Public Safety, Government Operations, and Military Affairs**  
**Senator Will Espero, Chair**  
**Senator Michelle Kidani, Vice Chair**

**Thursday, March 17, 2011; 1:15 PM**  
**State Capitol, Conference Room 016**

**Chairs Oakland and Espero, Vice Chairs Ihara and Kidani, and Members of the Committees:**

The Department of Public Safety (PSD) supports House Bill 1067, House Draft 1, which repeals the authority of the Office of Youth Services' (OYS) Executive Director to transfer youth to the adult correctional system for disciplinary and other reasons.

Although Section 352-28, Hawaii Revised Statutes, is rarely invoked, transferred youth present a serious problem for the Oahu Community Correctional Center. Exposure to adult offenders could result in harm to a juvenile through intimidation, taunting, and possible physical assault. The adult

system also cannot meet the programmatic needs of juveniles, as they must remain to the greatest extent possible separated for the adult population.

In addition, federal rules established by the Office of Juvenile Justice and Delinquency Prevention require sight and sound separation between juvenile and adult offenders, something that cannot be accomplished at any of our adult facilities. Future federal funding is at risk when rule violations occur.

Thank you for the opportunity to provide testimony on this measure.

NEIL ABERCROMBIE  
GOVERNOR



PATRICIA McMANAMAN,  
DIRECTOR

PANKAJ BHANOT  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 17, 2011

**MEMORANDUM**

TO: The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services

The Honorable Will Espero, Chair  
Senate Committee on Public Safety, Government Operations &  
Military Affairs

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 1067, H.D. 1 - RELATING TO THE TRANSFER OF YOUTH TO  
AN ADULT CORRECTIONAL FACILITY**

Hearing: Thursday, March 17, 2011; 1:15 p.m.  
Conference Room 016, State Capitol

**PURPOSE:** The purpose of H.B. 1067, H.D. 1, is to repeal section 352-28, Hawaii Revised Statutes, which authorizes the Executive Director of the Office of Youth Services, with the approval of the Family Court, to transfer a committed youth from the Hawaii Youth Correctional Facility to an adult correctional facility for disciplinary or other reasons.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) strongly supports this Administration bill.

This proposed bill will ensure that youth committed to the Hawaii Youth Correctional Facility will not be transferred, for disciplinary or other reasons, to adult

correctional facilities where they would be exposed to serious adult offenders and subjected to possible physical, mental, and sexual assault.

In addition, the proposed bill will simplify the State of Hawaii's efforts to comply with the federal Juvenile Justice Delinquency Prevention Act (JJDP) which requires "sight and sound" separation between juvenile and adult offenders. Violation of this requirement would jeopardize future federal funding.

Thank you for the opportunity to provide comments on this bill.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
**OFFICE OF YOUTH SERVICES**  
820 Milliani Street, Suite 817  
Honolulu, Hawaii 96813

March 17, 2011

**MEMORANDUM**

**TO:** The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services

The Honorable Will Espero, Chair  
Senate Committee on Public Safety, Government Operations & Military Affairs

**FROM:** David Hipp, Executive Director

**SUBJECT:** **H.B. 1067, H.D. 1, Relating to the Transfer of Youth to an Adult Correctional Facility**

Hearing: Thursday, March 17, 2011; 1:15 p.m.  
State Capitol, Conference Room 016

**PURPOSE:** The purpose of House Bill 1067, H.D. 1, Relating to the Transfer of Youth to an Adult Correctional Facility, is to repeal HRS §352-28, which authorizes the Executive Director of the Office of Youth Services, with the approval of the Family Court, to transfer a committed youth from the Hawaii Youth Correctional Facility to an adult correctional facility for disciplinary or other reasons.

**OFFICE'S POSITION:** The Office of Youth Services (OYS) strongly supports this Administration bill.

This proposed bill will ensure that youth committed to the Hawaii Youth Correctional Facility will not be transferred, for disciplinary or other reasons, to adult correctional facilities where they would be exposed to serious adult offenders and subjected to possible physical, mental, and sexual assault.

In addition, the proposed bill will support the State of Hawaii's efforts to comply with two of the four core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP), specifically that:

- no juvenile may be detained or confined in any adult jail or lockup (with the exception that juveniles accused of a crime may be held for up to six hours for processing)
- juveniles being securely detained must be "sight and sound" separate from adult detainees

Exercising the authority granted in HRS §352-28 would result in the State of Hawaii being sanctioned by the Office of Juvenile Justice and Delinquency (OJJDP) – costing the State 20% of its funding from the OJJDP and requiring the State to utilize 50% of its remaining funds to rectify the sanction.

Thank you for the opportunity to provide comments on this bill.



# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON HUMAN SERVICES

Sen. Suzanne Chun Oakland, Chair

Sen. Les Ihara, Jr. Vice Chair

## COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, March 17, 2011

Room 016

1:15 p.m.

**HB 1067 HD1 – Repeals Section 352-28**

**STRONG SUPPORT**

<http://www.capitol.Hawaii.gov/emailtestimony>

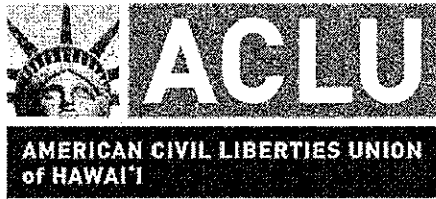
Aloha Chairs Chun Oakland and Espero and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and justice issues in Hawai'i for more than a decade. We respectfully offer our testimony always being mindful that Hawai'i has some 6,000 people behind bars with almost 1,800 individuals serving their sentences abroad, thousands of miles away from their loved ones and homes – their ancestral home for a disproportionate number of Native Hawaiians.

HB 1067 repeals section 352-28, Hawaii Revised Statutes, which authorizes the executive director of the office of youth services, with the approval of the family court, to transfer a committed youth from the Hawai'i Youth Correctional Facility to an adult correctional facility for disciplinary or other reasons.

Community Alliance on Prisons stands in strong support of this measure. Hawai'i's correctional facilities are not equipped or staffed to handle youthful lawbreakers. PSD has testified often about the importance of separating youthful and adult lawbreakers.

Mahalo for the opportunity to testify.



Committee: Committees on Human Services and Public Safety, Government  
Operations & Military Affairs  
Hearing Date/Time: Thursday, March 17, 2011, 1:15 p.m.  
Place: Conference Room 016  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1067, HD1

Dear Chairs Chun Oakland and Espero and Members of the Committees on Human Services and Public Safety, Government Operations & Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 1067, HD1.

***Children Are Not Adults and Should Not Be Treated As Adults in the Justice System***

Putting young offenders in adult prisons has been found to have no deterrence value and may lead to more crime, higher prison costs and increased violence because young people will learn criminal behaviors from the adults they are placed with.

Because the adult correctional system does not have the resources or the facilities to address the needs of youth under the age of 18, incarcerating youth offenders in adult prisons places juveniles in real physical, mental, and psychological danger.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,  
Laurie Temple  
Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
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## ChunOakland2 - Tyrell

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 2:12 PM  
**To:** HMS Testimony  
**Cc:** maucrowe@gmail.com  
**Subject:** Testimony for HB1067 on 3/17/2011 1:15:00 PM

Testimony for HMS/PGM 3/17/2011 1:15:00 PM HB1067

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: James Crowe  
Organization: Individual  
Address:  
Phone:  
E-mail: [maucrowe@gmail.com](mailto:maucrowe@gmail.com)  
Submitted on: 3/16/2011

**Comments:**

I support the repeal of section 352-28. I have years of experience of providing services to young people who have made bad choices. I know, we likely all can sense, that such youth will have better likelihood of returning to health and positive lifestyles if they remain with other youth.