

NEIL ABERCROMBIE
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February 17, 2011

MEMORANDUM

TO: The Honorable Henry J.C. Aquino, Chair
House Committee on Public Safety & Military Affairs

FROM: Patricia McManaman, Interim Director

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

Hearing: Thursday, February 17, 2011; 9:00 a.m.
Conference Room 309, State Capitol

PURPOSE: The purpose of H.B. 1067 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.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

Thursday, February 17, 2011

Room 309

9:00 a.m.

HB 1067 – Repeals Section 352-28

STRONG SUPPORT

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

Aloha Chair Aquino, Vice Chair Cullen and Members of the Committee!

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.

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.

Mahalo for the opportunity to testify.



Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Thursday, February 17, 2011, 9:00 a.m.
Place: Conference Room 309
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1067

Dear Chair Aquino and Members of the Committee on Public Safety and Military Affairs:

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

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

The fact is, 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

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