



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
707 Richards Street, Suite 525
Honolulu, Hawaii 96813

March 14, 2013

TO: The Honorable Mele Carroll, Chair
House Committee on Human Services

FROM: David Hipp, Executive Director

SUBJECT: **SB 61, SD 1 (SSCR640), Relating to Juveniles**

Hearing: Thursday, March 14, 2013; 9:30 am
State Capitol, Conference Room 329

PURPOSE: The purpose of SB 61, SD 1 (SSCR640), Relating to Juveniles, is to amend HRS §571-31.4 to include restorative justice as a program option for youth and their parents/guardians involved in the informal adjustment process conducted by a court or other designated agency.

OFFICE'S POSITION: OYS supports the intent of SB 61, SD 1 (SSCR640) , but requests that any appropriation not affect the priorities in the Executive Biennium Budget.

The objective of informal adjustment is to afford opportunity and aid so that a youth, and where appropriate the youth's family, may realize voluntary adjustment of behavior, in lieu of formally processing the child under Chapter 571, and obtain counseling and edification so as to better allow for the youth's appropriate emergence into adult society.

Any effort to increase the opportunities to informally adjust youth is strongly supported by this office.

Thank you for the opportunity to provide testimony.



SB61 SD1
RELATING TO JUVENILES
House Committee on Human Services

March 14, 2013

9:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB61 SD1, which adds restorative justice participation as an option for juveniles undergoing the informal adjustment process.

In 2010, OHA produced a comprehensive report detailing the disparate treatment of Native Hawaiians in the criminal justice system. Since then, OHA has administered the Native Hawaiian Justice Task Force (NHJTF), which was tasked by the Legislature to address this multi-faceted issue. A copy of the NHJTF 2012 legislative report and related materials are available at: www.oha.org/nativehawaiianjusticetaskforce.

The NHJTF recognizes the value of restorative justice in finding and recommendation "F" of its report because these practices are vital for healing the offender, victim, family and community. The NHJTF also recognizes the importance of intervening at the youth stage, noting in recommendation C.1. of the report that:

The Task Force is aware that an individual's contact with the criminal justice system, regardless of race, often begins at youth. This Report has emphasized the impact of the criminal justice system on Native Hawaiian adults in order to comply with what the Task Force understood to be the focus of Act 170. The study Disproportionate Minority Contact in the Hawai'i Juvenile Justice System, prepared for the Juvenile Justice State Advisory Council and the State of Hawai'i, Office of Youth Services (May, 2012) provides guidance regarding effective prospective policy directives regarding juveniles.

Therefore, the NHJTF report generally supports the intent of SB61 and encourages further work with Juvenile Justice State Advisory Council. As such, OHA urges the committee to **PASS** SB61 SD1. Mahalo for the opportunity to testify on this important measure.

HAWAII YOUTH SERVICES NETWORK

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Daryl Selman, President
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Bay Clinic, Inc.
Big Brothers Big Sisters of Honolulu
Big Island Substance Abuse Council
Blueprint for Change
Bobby Benson Center
Catholic Charities Hawaii
Child and Family Service
Coalition for a Drug Free Hawaii
Domestic Violence Action Center
EPIC, Inc.
Family Support Hawaii
Hale Kipa, Inc.
Hale 'Opio Kauai, Inc.
Hawaii Behavioral Health
Hawaii Student Television
Healthy Mothers Healthy Babies Coalition
Hina Mauka Teen Care
Hui Malama Learning Center
Kahi Mohala Behavioral Health
KEY (Kualoa-Heeia Ecumenical Youth)
Project
Kids Hurt Too
Kokua Kalihi Valley
Life Foundation
Marimed Foundation
Maui Youth and Family Services
Palama Settlement
P.A.R.E.N.T.S., Inc.
Parents and Children Together (PACT)
Planned Parenthood of Hawaii
REAL
Salvation Army Family Intervention Svcs.
Salvation Army Family Treatment Svcs.
Sex Abuse Treatment Center
Susannah Wesley Community Center
The Catalyst Group
The Children's Alliance of Hawaii
Waikiki Health Center
Women Helping Women
YWCA of Kauai

March 8, 2013

To: Representative Mele Carroll, Chair,
And members of the Committee on Human Services

Testimony in Support of SB 61 Relating to Juveniles

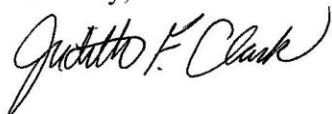
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 61 Relating to Juveniles.

Restorative justice approaches have multiple benefits including:

- Preventing criminal records that could impede a young person's ability to enroll in college or join the military;
- Recognition and understanding by the offender of the effects of his/her actions on the victim;
- Decreased likelihood of future conflict between the parties because they have mutually agreed upon actions to resolve the dispute.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

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COMMITTEE ON HUMAN SERVICES

Rep. Mele Carroll, Chair

Rep. Bertrand Kobayashi, Vice Chair

Thursday, March 14, 2013

9:30 a.m.

Room 329

SUPPORT FOR SB 61 SD1 - INFORMAL ADJUSTMENT FOR JUVENILE WRONGDOING

Aloha Chair Carroll, Vice Chair Kobayashi and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 61 SD1 provides the option of participating in a restorative justice program for children who are undergoing informal adjustment by a court or other designated agency, which program may involve the child and the child's parents or guardian meeting with the victim harmed by the child's law violation.

Community Alliance on Prisons is in strong support of this measure.

A recent article¹ in Civil Beat reported:

Native Hawaiian, Pacific Islander and mixed-race youth are disproportionately represented in Hawaii's juvenile justice system, a recent study concludes.

The statewide analysis found that Hawaiian, Samoan and Filipino youth "fare worse than Caucasians at the stages of arrest," a pattern that continues as the young people move through detention, probation and protective services. The problem seems to be related to racism and discrimination and how mixed-race people are treated in society.

The report makes a series of recommendations for improving equality in the juvenile justice system, including calling for greater collaboration among agencies, anti-bias and youth-development training, and better data collection, monitoring and analysis.

¹ Why So Many Hawaiian, Samoan And Filipino Youth In Justice System?, By Chad Blair 10/24/2012.

<http://www.civilbeat.com/articles/2012/10/24/17448-why-so-many-hawaiian-samoan-and-filipino-youth-in-justice-system/>

Community Alliance on Prisons is a member of the Disproportionate Minority Contact Committee of the Juvenile Alternatives to Detention Initiative. The final report² dated June 2012 states:

Historically there have been various efforts in Hawai'i to build and strengthen restorative juvenile justice programs, but these efforts have been limited by the lack of stable and effective programs across the continuum of care that are available at each decision point in the juvenile justice system. Disproportionate minority contact and the overall number of youth can be reduced by building a comprehensive and collaborative system and by strengthening restorative approaches that focus on healing and growth in ways that are appropriate to the culture and background of especially Native Hawaiian and other Pacific Islander youth.

Recent research underscores the effectiveness of restorative approaches over punitive ones. For example, a meta-analysis of 548 studies published from 1958 through 2002 found that juvenile programs designed to bring about behavior change by facilitating personal healing, growth and development were effective while programs oriented towards instilling discipline through regimen or fear were not. The most effective programs were restorative (e.g. restitution, victim-offender mediation), skill building (e.g. cognitive behavioral techniques, social, academic, vocational skill building), counseling (e.g. group, family, individual counseling and mentoring), and multiple coordinated services (e.g. case management, wrap-around)

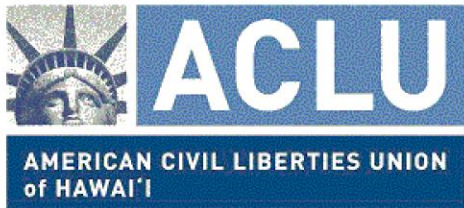
Hawai'i must address this issue by using culturally sensitive and evidence-based practices such as restorative justice that can help our youth develop to their fullest potential.

We, therefore, urge the committee to pass this bill.

Mahalo for this opportunity to testify.

² Disproportionate Minority Contact in the Hawai'i Juvenile Justice System, Juvenile Justice State Advisory Council and the State of Hawai'i Office of Youth Services, Karen Umemoto, James Spencer, Tai-an Miao, Saiful Momen, page 106, June 2012.

[http://archive.jan2013.hawaii.gov/dhs/youth/jjsac/DMC%20FINAL%20REPORT%202012%20\(for%20printing\).pdf](http://archive.jan2013.hawaii.gov/dhs/youth/jjsac/DMC%20FINAL%20REPORT%202012%20(for%20printing).pdf)



Committee: Committee on Human Services
Hearing Date/Time: Thursday, March 14, 2013, 9:30 am
Place: Conference Room 329
Re: Testimony of the ACLU of Hawaii in strong support of S.B. 61, S.D.1, Relating to Juveniles

Dear Chair Carroll and Members of the Committee on Human Services:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 61, S.D.1, which seeks to establish a restorative justice program for youth offenders. We support every effort to develop programs and policies that encourage rehabilitation and reduce recidivism. Every effort should be made to provide Hawaii’s youth offenders with the support and services they need to become productive and responsible community members.

Our criminal justice system’s policy of separating juvenile offenders from their families and communities has a direct effect on rehabilitation and recidivism. By promoting greater discourse between both parties and their support groups, S.B. 61, S.D.1 both aids juvenile offenders in the difficult task of reintegration into a community and offers a venue for victims to express themselves and achieve closure. Furthermore, by engaging parents, guardians, and supporters in this restorative justice process, this program encourages collaboration and understanding between all affected parties in a safe, healthy environment.

Young people need to be held accountable for their criminal actions in a way that allows them to grow and develop into successful adults. We need laws that protect public safety and reflect kids’ capacity for rehabilitation. Therefore, we urge you to support S.B. 61, S.D.1.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney and Legislative Program Director

The American Civil Liberties Union (“ACLU”) is our nation’s guardian of liberty – working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.

American Civil Liberties Union of Hawaii
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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 10:56 AM
To: HUS testimony
Cc: jory_watland@yahoo.com
Subject: *Submitted testimony for SB61 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB61

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jory Watland	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 1:38 PM
To: HUS testimony
Cc: harwood.lillian@gmail.com
Subject: *Submitted testimony for SB61 on Mar 14, 2013 09:30AM*

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SB61

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Lillian Harwood-Wakinekona	Individual	Support	No

Comments:

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LORENN WALKER, J.D., M.P.H.

COMMITTEE ON HUMAN SERVICES

Honorable Representative Mele Carroll, Chair
Honorable Representative Bertrand Kobayashi, Vice Chair
Other Honorable Committee Members

Thursday, March 14, 2013
9:30 a.m.
Conference Room 329

STRONG SUPPORT SB61 SD1- RELATING TO JUVENILES

Please vote yes to amend HRS §571-31.4(b) effective immediately and delete 2050 as the effective date of law. This law will add restorative justice programs to the list of alternatives available for the informal adjustment of youth involved with the juvenile justice system, effective immediately.

Many countries and other states including New Zealand, Australia, England, Norway, China, California, Colorado, and Vermont provide juveniles involved with the justice system the opportunity to be accountable for their choices by participating in restorative justice programs.

Thirteen years ago, in 2000 we conducted a pilot project with the Honolulu Police Department that diverted over 100 arrested juveniles into restorative conferences with people they harmed including their loved ones, other direct victims, schools, and police. Our study: "Conferencing: A New Approach for Juvenile Justice in Honolulu" was published by the *Federal Probation Journal*, Vol. 66:1, 2002. The United Nations Children's Fund (UNICEF) also provides this paper as an example in its "Toolkit on Diversion and Alternatives to Detention" downloadable: http://www.unicef.org/tdad/index_56513.html Our research showed positive outcomes. People who participated, and were harmed by the juveniles' offenses, were significantly satisfied with the restorative conferences; the juveniles were more likely to fulfill restitution agreements made at the conferences compared to court ordered restitution; and juveniles who participated were less likely to advance into violent offenses compared to youth without conferences.

In 2007 & 2008 we conducted 12 community focus groups, which found strong support for using restorative justice for youth. We have also conducted restorative justice research for youth and provided: in 2012 reentry and transition planning circles for juveniles incarcerated at the Hawai'i Youth Correctional Facility (HYCF); in 2009 family meetings with youth charged with status offenses for the family court; and in 2008 with homeless youth at the Youth Outreach Center (YOs) developed and researched a restorative group planning process that showed positive outcomes in assisting youth achieve goals including finding employment and housing ([Waikiki Youth Circles: Homeless Youth Learn Goal Setting Skills](#), Walker, *Journal of Family Psychotherapy*, Vol. 19(1) 2008 - paper is available at www.lorennwalker.com).

While restorative justice is commonly thought to require face to face meetings between people harmed by crime and the people who caused it, there are a variety of effective restorative processes, which we have developed, tested, evaluated and written about from Hawai'i, that provide a restorative approach without any face to face meetings (including one for crime victims who do not know who harmed them or do not wish to meet with offenders, see: [Restorative Justice Without Offender Participation: A Pilot Program for Victims](#), Walker, International Institute for Restorative Practices, February 2004 – paper is available at www.lorennwalker.com).

Please see my website www.lorennwalker.com for a description of my background and experience in criminal justice interventions for juveniles, and my experience and background working with the Hawai'i justice system. Thank you for your time and efforts in public service.

kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 10, 2013 12:45 PM
To: HUS testimony
Cc: shannonkona@gmail.com
Subject: *Submitted testimony for SB61 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB61

Submitted on: 3/10/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 11, 2013 9:48 PM
To: HUS testimony
Cc: shaglund@hotmail.com
Subject: *Submitted testimony for SB61 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB61

Submitted on: 3/11/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Haglund	Individual	Support	No

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 13, 2013 10:45 AM
To: HUS testimony
Cc: gladys.baisa@mauicounty.us
Subject: *Submitted testimony for SB61 on Mar 14, 2013 09:30AM*

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SB61

Submitted on: 3/13/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys C. Baisa	Individual	Support	No

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 13, 2013 2:43 PM
To: HUS testimony
Cc: palmtree7@earthlink.net
Subject: *Submitted testimony for SB61 on Mar 14, 2013 09:30AM*

Categories: Green Category

SB61

Submitted on: 3/13/2013

Testimony for HUS on Mar 14, 2013 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments:

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Sonny M. Ganaden, Esq.
Lawyer, Writer

Honorable Representative Mele Carroll, Chair
Honorable Representative Bertrand Kobayashi, Vice Chair
Other Honorable Committee Members

Thursday, March 14, 2013, 9:30 a.m.
Conference Room 329

TESTIMONY IN SUPPORT OF SB61 SD1 RELATING TO JUVENILES

I am testifying before you as an individual. As a writer, I gratefully served as the Contracted Writer for the Native Hawaiian Justice Task Force Report throughout 2012, which was produced through the Office of Hawaiian Affairs. As a lawyer, I have served as court appointed counsel for several juveniles through the City and County of Honolulu Office of the Public Defender, and am a former Staff Attorney with the Domestic Violence Action Center.

In my capacity as the Contracted Writer for the Native Hawaiian Justice Task Force, I had the opportunity to review a copious amount of testimony and research regarding restorative justice programs.

In Finding C.1., the Native Hawaiian Justice Task Force Report directs readers to the study *Disproportionate Minority Contact in the Hawai'i Juvenile Justice System*, prepared for the Juvenile Justice State Advisory Council and the State of Hawai'i, Office of Youth Services.

In addition to Finding C.1., the Native Hawaiian Justice Task Force Report also found that:

Finding C.2:

Research shows that the children of incarcerated parents are at risk of having a higher rate of interaction with the justice system.

Finding C.3:

Preventative measures, such as adequate education and programs for at-risk youth, continue to be inadequately funded.

Both national and Hawai'i-based studies agree that restorative justice programs work. Any small investment made in juvenile intervention programs, such as the one in the present bill, are worthy investments in both human and economic terms. Any effort made to ameliorate the criminal justice system regarding juveniles in Hawai'i will have a disproportionate and greater beneficial affect on lower socio-economic communities, and in particular, the Native Hawaiian community.

The legislature has not addressed the majority of issues raised by the Native Hawaiian Justice Task Force Report. The present bill is a small, but necessary step in the appropriate direction.

Thank you for the opportunity to testify regarding this important measure.

Sonny M. Ganaden, Esq. JD# HI8948
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