



SB61 SD1
RELATING TO JUVENILES
House Committee on Judiciary

April 2, 2013

2:00 p.m.

Room 325

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

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Daryl Selman, President
Judith F. Clark, Executive Director
Aloha House
American Civil Liberties Union of Hawaii
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

April 1, 2013

To: Representative Karl Rhoads, Chair,
And members of the Committee on Judiciary

Testimony in Support of SB 61 SD 1 Relating to Juveniles

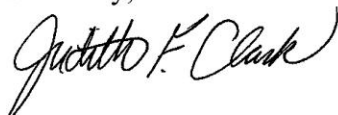
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 61 SD 1 Relating to Juveniles.

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

Phones/E-Mail: (808) 533-3454, (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

Tuesday, April 2, 2013

2:00 p.m.

Room 325

SUPPORT FOR SB 61 SD1 - INFORMAL ADJUSTMENT FOR JUVENILE WRONGDOING

Aloha Chair Rhoads, Vice Chair Har 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)

A recent powerful story in AlterNet³ reported:

A storm of comments swirled around a story about teen murder in the New York Times last weekend. The parents of a young woman named Ann forgave her boyfriend, Conor, for murdering her. Andy and Kate Grosmaire had loved Conor before he killed Ann, their youngest daughter. But they said they did not so much forgive him for his sake as for their own, to free themselves from being imprisoned in hate and anger, and to follow the teachings of Christ (they are committed Catholics).

What shocked many readers, though, was that they sought a "restorative justice" process, in which Conor, the two sets of parents and other involved individuals met in a circle with the prosecutor and bared their souls to one another – and thereby succeeded in persuading the prosecutor to give Conor a lower sentence than he would otherwise have received.

Hawai'i must address the issue of youthful wrongdoing by using culturally sensitive and evidence-based practices such as restorative justice that can help our youth develop to their fullest potential. Mahalo for hearing this bill and for this opportunity to testify. We, therefore, urge the committee to pass this measure.

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)

³ **Radical Compassion: Restorative Justice Program Meets Needs of Both Victims and Perpetrators**
A new program allows victims' forgiveness to play a role in prosecution., AlterNet, By David Belden, January 20, 2013
<http://www.alternet.org/radical-compassion-restorative-justice-program-meets-needs-both-victims-and-perpetrators?akid=9946.17368.9WqRm0&rd=1&src=newsletter779986&t=13&paging=off>

LATE

SB61

Submitted on: 4/2/2013

Testimony for JUD on Apr 2, 2013 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------|---------------------------|---------------------------|
| Pamela Lichy | Drug Policy Action Group | Support | No |

Comments: The Drug Policy Action Group strongly supports this measure. Ongoing research indicates that restorative justice processes are effective for all convicted individuals and are especially helpful with juvenile offenders. We are convinced that this process would be particularly effective in Hawaii where many of these juveniles are disproportionately Native Hawaiian and other disadvantaged minorities. We urge you to pass this forward thinking measure. Thank you for hearing this bill and for the opportunity to testify.

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SB61

Submitted on: 3/30/2013

Testimony for JUD on Apr 2, 2013 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Alicia Morrier | Individual | Support | No |

Comments:

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SB61

Submitted on: 3/30/2013

Testimony for JUD on Apr 2, 2013 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| April Lee | Individual | Support | No |

Comments:

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SB61

Submitted on: 4/1/2013

Testimony for JUD on Apr 2, 2013 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| DAWN SLATEN | Individual | Support | No |

Comments: I wholeheartedly support a restorative justice program for youth. It will allow the youth to make amends to those he/she has hurt by his/her behavior and help all involved begin the healing process. It can also assist with development of a concrete plan for a successful future.

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

COMMITTEE ON JUDICIARY

Honorable Representative Karl Rhodes, Chair
Honorable Representative Sharon E. Har, Vice Chair
Other Honorable Committee Members

Thursday April 2, 2013
2:00 a.m.
Conference Room 325

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, Brazil, China, California, Colorado, Minnesota, Indiana, and Vermont provide juveniles involved with the justice system the opportunity to be accountable for their choices by participating in restorative justice programs.

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.

SB61

Submitted on: 3/31/2013

Testimony for JUD on Apr 2, 2013 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|---------------------|---------------------------|---------------------------|
| P. Kaanohi Kaleikini | Individual | Support | No |

Comments:

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SB61

Submitted on: 3/30/2013

Testimony for JUD on Apr 2, 2013 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Richard S. Miller | Individual | Support | No |

Comments: A sound piece of legislation for children who cause harm to others and who could benefit by meeting with the victims. Effective date in 2050 seems ridiculous.

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LATE

SB61

Submitted on: 4/1/2013

Testimony for JUD on Apr 2, 2013 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sandy Salmers | Individual | Support | No |

Comments: I support restorative justice programs for juveniles. Please pass this measure. Thank you.

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