

LORENN WALKER, J.D., M.P.H.  
COMMITTEE ON JUDICIARY AND LABOR

LATE TESTIMONY

Honorable Senator Clayton Hee, Chair  
Honorable Senator Maile S.L. Shimabukuro, Vice Chair  
Other Honorable Committee Members

Tuesday, February 5, 2013  
10:00 a.m.  
Conference Room 016

**STRONG SUPPORT SB61 - RELATING TO JUVENILES**

Please vote yes to amend HRS §571-31.4(b) and add restorative justice programs to the list of alternatives available for the informal adjustment of youth involved with the juvenile justice system.

Many countries and other states including New Zealand, Australia, England, Norway, 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.

We conducted a pilot project in 2000 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 research "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 the paper as an example available in its "Toolkit on Diversion and Alternatives to Detention" to download: [http://www.unicef.org/tdad/index\\_56513.html](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. In addition to the HPD project, we have 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](http://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](http://www.lorennwalker.com)).

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



**SB61**  
**RELATING TO JUVENILES**  
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The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB61, 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](http://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. Mahalo for the opportunity to testify on this important measure.