



EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE
GOVERNOR

**Written Testimony in Support of
HB 2490 HD1 Relating to Juvenile Justice**

HOUSE FINANCE COMMITTEE
Rep. Sylvia Luke, Chair
Rep. Scott Nishimoto, Vice Chair
Rep. Aaron Johanson, Vice Chair

February 25, 2014
2:00 p.m. Room 308

Chair Luke, Vice-Chairs Nishimoto, Johanson and members of the House Finance Committee, thank you for scheduling a hearing on HB 2490 HD1 Relating to Juvenile Justice.

The Office of the Governor submits written testimony in **support** of HB 2490 HD1 Relating to Juvenile Justice. This proposal is the result of a working group comprised of representatives from the executive, legislative and judicial branches of government as well as key stakeholder groups from law enforcement, the prosecutors and public defenders offices and community service providers. Due to the timing of developing our legislative package, we did not have an opportunity to review this proposal from the Juvenile Justice working group in time to include in the administration's package.

With the assistance from the PEW Charitable Trusts, the working group reviewed data and research and developed the proposed policy changes that are focused on improving and enhancing the juvenile justice system and concentrating bed space at the Hawaii Youth Correctional Facility (HYCF) for serious offenders. By keeping our youth out of the HYCF, we will be able to realize savings and reinvest those savings into treatment programs for our troubled youth and provide more sentencing options for the family court judges.

Similar to the Justice Reinvestment Initiative passed in 2011 for the adult correctional system, we are hoping to make policy changes to reform our juvenile justice system.

Thank you for this opportunity to provide testimony in strong support of HB 2490 HD1.



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Finance

The Hon. Sylvia Luke, Chair
The Hon. Scott Y. Nishimoto, Vice Chair
The Hon. Aaron Ling Johanson, Vice Chair

Tuesday, February 25, 2014
2:00 p.m.
State Capitol, Conference Room 308

By
R. Mark Browning
Deputy Chief Judge, Senior Family Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 2490, House Draft 1, Relating to Juvenile Justice.

Purpose: To improve and enhance Hawaii’s juvenile justice system. (HD1)

Judiciary's Position:

The Judiciary strongly supports passage of House Bill No. 2490, House Draft 1. The Preamble of this bill thoroughly explains the history, work, and conclusions of the Hawaii Juvenile Justice Working Group that was established in August of 2013 by Governor Neil Abercrombie, Chief Justice Mark Recktenwald, Senate President Donna Mercado Kim, and House Speaker Joseph Souki.

This testimony will not repeat the information already found in the Preamble. We respectfully note that this bill addresses recommendations listed in the Final Report of the Working Group, including:

- Recommendation 7: Clarify the Criteria Used to Release Youth from HYCF (13).
- Recommendation 8: Require the Creation of Offender Reentry Plans (13).
- Recommendation 9: Provide Clear Diversion Authority for Youth Who Do Not Need Justice System Interventions (14).
- Recommendation 10: Standardize Criteria for Informal Adjustment (14).



House Bill No. 2490, House Draft 1, Relating to Juvenile Justice
House Committee on Finance
Tuesday, February 25, 2014 at 2:00 p.m.

- Recommendation 11: Codify Current Administrative Monitoring Practices (14).
- Recommendation 12: Provide for a Risk and Needs Assessment to Assist Judges in Disposition Decisions (15).
- Recommendation 13: Use Risk and Needs Assessments to Drive Supervision (15).
- Recommendation 14: Create Case Plans to Focus Probation on Successful Outcomes (15).
- Recommendation 15: Require at Least One Home Visit for Probated Youth (16).
- Recommendation 16: Provide Annual Training for Probation Officers (16).
- Recommendation 17: Create Graduated Sanctions and Incentives for Probated Youth (16).
- Recommendation 18: Invest in Proven Practices to Reduce Reoffending (16-17).
- Recommendation 19: Establish a System of Earned Discharge for Youth to Incentivize Success (17).
- Recommendation 21: Provide a Pathway to Earlier Referrals and Access to Mental Health Services (17-18).
- Recommendation 22: Enhance Interagency Collaboration (18).
- Recommendation 23: Implement a System of Performance and Outcome Measures (18-19).
- Recommendation 24: Empower an Oversight Committee to Monitor Reforms and Report Outcome Measures (19).

The Working Group's Final Report clearly connects the dots between public safety, restricting HYCF to serious offenders, developing a continuum of services, expanding local alternatives based on evidence-based practices, and saving public monies by smart reinvestment. In particular to House Bill No. 2490, House Draft 1, besides mandating specific best practices, care is taken to develop data that will inform future practices. Building on the data, the bill creates a system of reporting from the executive agencies and the family court. An oversight committee is created to receive, review, and act upon the generated reports and data.

The Working Group has performed a remarkable and tangible service for this state—not just for youthful offenders and their families—but for everyone. Everyone benefits when public safety can be strengthened and when children are given the tools to reach healthy and productive futures.

The Judiciary strongly supports the passage of House Bill No. 2490, House Draft 1.

Thank you for the opportunity to submit testimony on this bill.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Finance

HB2490, HD1, Relating to Juvenile Justice

**Testimony of Lynn Fallin
Deputy Director of Behavioral Health
February 25, 2014, 2:00 PM, Room 308**

1 **Department's Position:** Support with **RESERVATIONS** and **AMENDMENTS**.

2 **Fiscal Implications:** Amount of fiscal impact unknown

3 **Purpose and Justification:** The purpose of this bill is to enhance the juvenile justice system by
4 concentrating secure bed space on serious juvenile offenders; strengthen disposition, adjustment,
5 diversion and services available for juvenile offenders; increase interagency collaboration and establish
6 a temporary oversight committee.

7 The department of health supports the work of, and appreciates serving on, the Hawaii Juvenile
8 Justice Working Group which helped develop this and other measures to implement the Working
9 Group's recommendations.

10 We support this proposal if it includes a revenue stream to expand access to mental health and
11 substance abuse services and does not replace or adversely impact priorities indicated in the Executive
12 Budget.

13 The department respectfully recommends that Section 15 be stricken. Through its foresight, in
14 1987 the Hawaii State Legislature established an interdepartmental cluster for services through Hawaii
15 Revised Statutes §321D. This interdepartmental cluster, called the HI SYNC (Hawaii Interagency State
Promoting Lifelong Health & Wellness

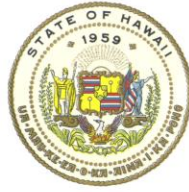
1 Youth Network of Care), is currently in operation and meets regularly to coordinate services for children
2 with emotional and behavioral challenges. There is active participation by the Judiciary, Office of
3 Youth Services, Department of Education, Department of Human Services, and the Developmental
4 Disabilities Division, Early Intervention Section and Child and Adolescent Mental Health Division of
5 the Department of Health. Maintaining the Chapter 321D, Hawaii Revised Statutes, interdepartmental
6 cluster is necessary for those youth who are not involved in the justice system.

7 Section 3 proposes to establish an interdepartmental cluster. The department respectfully
8 recommends that Section 3 be stricken and that the Judiciary utilize the existing Chapter 321D
9 interdepartmental cluster to coordinate services between the judiciary and the child and adolescent
10 mental health division. Establishing a second interdepartmental cluster is unnecessary and redundant.

11 Section 13 proposes that youth be referred to the department of health for an eligibility
12 determination. The department welcomes referrals for mental health evaluation and treatment, if
13 appropriate, provided additional funding for this population is provided through legislative
14 appropriation. The department has an array of mental health and substance abuse services, including
15 evidence based programs and services.

16 Section 16 proposes the establishment of a temporary juvenile justice oversight advisory council,
17 and specifies that two members of the child and adolescent mental health division of the department of
18 health serve on the advisory council. The department welcomes participation on the council and will
19 support its work. The department appreciates the Working Group's foresight in including
20 representatives from school based behavioral health and special education of the department of
21 education on the advisory council.

22 We thank you for the opportunity to testify.



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

February 24, 2014

TO: The Honorable Sylvia Luke, Chair
House Committee on Finance

FROM: David Hipp, Executive Director

SUBJECT: **H.B. 2490, HD 1 – Relating to Juvenile Justice**

Hearing: Tuesday, February 25, 2014; 2:00 p.m.
State Capitol, Conference Room 308

PURPOSE: The purpose of H.B. 2490, HD 1 is to enhance our state's juvenile justice system by concentrating secure bed space on serious juvenile offenders. Furthermore, there are several recommendations related to juvenile justice reform, including:

- Strengthening juvenile probation to ensure judges have sentencing options such as informal adjustment that keep youth safely and effectively in their communities
- Requiring a risk and needs assessment to be conducted for each minor prior to disposition
- Enhancing interagency collaboration by establishing performance measures and a statewide juvenile justice interdepartmental cluster to provide coordinated services to certain youth within family court, and
- Establishing a juvenile justice oversight advisory council.

OFFICE'S POSITION: OYS strongly supports H.B. 2490, HD 1. On December 13th, a report was released to the Governor, the Legislature, and the Judiciary, which outlined several key data findings within our juvenile justice system that identified areas for improvement, and two dozen policy recommendations to increase the return on the investment Hawaii makes in its juvenile justice system.

The Working Group which issued this report was a 20-member bipartisan inter-branch group with stakeholders from every facet of juvenile justice, including the judiciary, law enforcement, prosecution, public defense, and community service providers. There were also 5 legislators, including the chairs from both the House and the Senate of the committees for public safety and human services, who served on the group.

The Working Group found that limited community-based options, particularly insufficient access to mental health and substance abuse treatment, often leaves family courts with few options short of confinement at HYCF. A growing body of research indicates that, for many youth, residential placement generally fails to produce better outcomes than evidence-based alternatives in the community, and in some cases may actually increase the risk of reoffending. While taking steps in the right direction, Hawaii has the potential to achieve even better outcomes at less cost through a new set of policies and budget priorities.

Based on its findings, the Working Group's policy recommendations include targeted juvenile justice policy reforms including:

- concentrating HYCF bed space on serious juvenile offenders by making misdemeanor youth ineligible for placement in HYCF
- reinvesting savings from diverting lower-level offenders and increase state funding to strengthen local alternatives, including critical mental health and substance abuse treatment
- ensuring judges and court staff have access to alternatives to secure placement along with the tools and sentencing options they need to help put youth back on the right track
- strengthening probation across the state, including requiring the use of a validated risk and needs assessment, case planning for each youth on probation, a system of sanctions and incentives, and the opportunity for earned discharge, and

- enhancing interagency collaboration, establishing performance measures, and implementing an oversight committee to continually improve juvenile justice practice and ensuring accountability.

In anticipation of questions that may be asked regarding this bill, the following additional information is provided:

- *Does this legislation shift placements within the juvenile justice system without adequate services, programs, and supports in place?*

Public safety is a paramount concern throughout the juvenile justice system. Therefore, this legislation does not release youth or move youth out who are already placed in HYCF. Rather, this legislation emphasizes the need to ensure that appropriate community-based services, programs, and supports are in place for youth, not just at the time of implementation of this legislation, but also as a permanent fixture in our juvenile justice system.

In order to do this, House Bills 2489, HD 1 and 2490, HD 1 provide for 1) an infusion of upfront funding to immediately increase capacity and access to critical treatments and services; 2) a reinvestment of savings from the HYCF budget to the communities to further enhance opportunities for effective rehabilitation and supervision, and 3) new investments in mental health and substance abuse treatment, and other proven practices, to increase access to the most effective methods of reducing reoffending in youth.

These shifts in funding priorities and investments will, during the first fiscal year, be focused on expanding access and availability of already existing services and programs designed to effectively rehabilitate and treat youth in their communities. In addition, this legislation does not limit flexibility on the part of the family court to place youth in the treatment or facility required in each case. In fact, House Bills 2489, HD 1 and 2490, HD 1, taken together, would expand the options and resources judges have to respond quickly and effectively to delinquent behavior. Because of this increase in flexibility, the Judiciary is one of many agencies and organizations supporting the legislation.

- *Is HYCF an effective source for mental health and substance abuse services?*

HYCF is the only fully secure facility in the state where youth can also receive mental health or substance abuse services. While HYCF is indeed the only fully secure correctional facility in the state, I strongly believe it is best used for this purpose—secure confinement—and is not the best option for many youth in need of critical treatments.

Research clearly indicates that secure facilities are an appropriate supervision option for certain youth with a high risk of reoffending. However, research also suggests that alternatives to secure confinement, in the form of an array of proven and promising strategies and programs, can produce sizeable reductions in recidivism. For many youth, residential placement generally fails to produce better outcomes than community-based alternatives, and in some cases may actually increase the risk of reoffending.

Therefore, in order to rehabilitate more of our youth in the juvenile justice system, we must increase access to mental health and substance abuse treatment and other programs proven to reduce delinquency outside of HYCF and ensure HYCF is used for its most effective purpose, securely confining serious juvenile offenders.

- *Will the validated risk and needs assessment be the only factor used to make decisions in the juvenile justice system?*

I cannot overstate the value of a validated risk and needs assessment. This “best practice” in the field of juvenile justice provides a scientific means to estimate the extent to which a youth is a risk to public safety, identify risk factors, and provide comprehensive information about a youth to a judge or other stakeholder in the juvenile justice system.

However, other information and context invariably are necessary in disposition, placement, and treatment decisions. The legislation specifically addresses this by saying:

“Supervision levels, frequency of contacts with probation officers and the court, and referrals to treatment and programs under section 571-31.4(c) (7) shall be established using, **among other factors**, the results of the risk and needs assessment conducted pursuant to section 571-45; . . .”

House Bill 2490, page 6, line 18. Emphasis added.

Further, the bill recognizes that the risk and needs assessment shall be used as one of many factors considered by the judge:

“The results of the risk and needs assessment and any social studies required by this section shall be presented to and considered by the judge prior to making disposition[-] pursuant to section 571-41(d).”

House Bill 2490, page 30, line 16.

This legislation includes the risk and needs assessment as a process that must be conducted prior to disposition, and ensures it is admissible in court, because of the value it adds to the decision-making process, while allowing for additional information and context to be considered at the same time.

- *Does this legislation change the intake process or add judicial responsibilities at intake?*

House Bill 2490 clarifies Hawaii Revised Statutes chapter 571-31.2 by specifically enumerating the diversion authority the courts already have as one of the actions the court may take. Intake officers across Hawaii already have this authority and exercise it. However, the Working Group identified this authority as a source of confusion between the courts and law enforcement in some discrete areas. By clarifying this authority, in statute, this legislation codifies current practice and permits tracking and analysis of the diverted cases.

- *How will the system of earned discharge work?*

House Bill 2490 implements a system of earned discharge for youth who are compliant with their probation terms and conditions. This will allow probation officers to focus their time and resources on youth in need of more intensive supervision and rehabilitation, while incentivizing good behavior for youth on probation.

The timing of the awarding earned discharge credits, as well as the process for taking away credits for certain offenders, must be addressed in judiciary policy and practice. The bill states:

“(c) The judiciary shall adopt policies and procedures for the awarding of earned credits for discharge from probation.”

House Bill 2490, page 12, line 1.

This procedure should be outlined in agency policy and practice to allow for detailed procedures and rapid revision in response to changing needs.

- *Does a requirement that probation be stated in set terms eliminate the family court's flexibility?*

This legislation creates a standard for court orders placing a youth on probation that each order must set an initial term of probation, stated in months or years. This will allow for more deliberate case planning and create clear expectations for youth.

The need for flexibility and modifications to this term is explicitly recognized. The bill states:

"An order by the court placing a child on probation under subparagraph (A) shall include a definite term of probation stated in months or years, **subject to extension or modification by the court pursuant to section 571-50.**"

House Bill 2490, page 33, line 4. Emphasis added.

Hawaii Revised Statutes chapter 571-50 states that "any decree or order of the court may be modified at any time." This allows a judge to modify, extend, or decrease a set probation term at any point in time. Contrary to the testimony your committee received, this section in no way changes a judge's authority to end a probation term once a juvenile offender has met the terms and conditions of probation or shown sufficient compliance with rehabilitation goals, or to extend a probation term for youth in need of additional supervision or interventions.

- *Are the parole criteria in HB 2490 to be considered by the director of OYS an exhaustive list?*

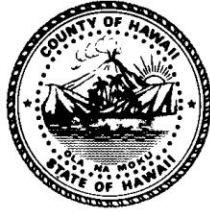
House Bill 2490, HD 1 codifies the criteria currently used within HYCF to order the release or parole of a youth. The legislation lays out criteria that the director is required to consider. Based on standard rules of statutory interpretation, stating the factors which shall be considered does not imply an exhaustive list of factors. In fact, the factors to be considered when granting parole actually far exceed what is currently in statute, and this bill simply codifies what the "best practices" tell us should be in place. Furthermore, the completion of a program is a non-factor

as programs are ongoing, and are expected to be continued as youth transition back to their communities.

In conjunction with H.B. 2489, HD 1, we are confident that through these bills that our state can make both significant and long overdue strides in the field of juvenile justice by enhancing services at the “front end” of our juvenile justice system and thereby accelerating reductions in the state’s use of secure confinement for lower-level juvenile offenders while reducing recidivism, protecting public safety, and improving outcomes for our troubled youth and their families.

Thank you for the opportunity to present this testimony.

William P. Kenoi
Mayor



Walter K.M. Lau
Managing Director

Randall M. Kurohara
Deputy Managing Director

County of Hawai'i Office of the Mayor

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(808) 323-4444 • Fax (808) 323-4440

February 25, 2014

The Honorable Sylvia Luke, Chair
and Members of the House Committee on Finance
Hawai'i State Capitol
415 South Beretania Street, Room 308
Honolulu, Hawai'i 96813

RE: House Bill 2489, HD 1 and HB 2490, HD 1 RELATING TO JUVENILE JUSTICE

Aloha, Chair Luke and Committee Members:

Mahalo for the opportunity to offer my strong support of House Bill 2489, HD 1 that appropriates funds to the Family Court Division of the Judiciary and the Office of Youth Services in the Department of Human Services to fund evidence-based programs that will reduce juvenile delinquency recidivism, and House Bill 2490, HD 1 which will enhance the juvenile justice system, strengthen juvenile probation, enhance interagency collaboration and establish a juvenile justice oversight advisory council.

These types of programs will support our most vulnerable and challenged youth and provide them with the direction and skills they need to develop into strong adults that make positive contributions to our society.

Aloha,

Wally Lau,
MANAGING DIRECTOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Plaza, Suite 600
Honolulu, Hawaii 96813
Telephone: 808 587-1143
FAX 808 587-1146

MARI MCCAIG
Chair

THOMAS T. WATTS
Commissioner

ABELINA SHAW
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HOUSE BILL 2490 HD 1
RELATING TO JUVENILE JUSTICE

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair

Tuesday, February 25, 2014; 2:00 PM
State Capitol, Conference Room 308

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the House Committee on Finance:

Thank you for providing the Crime Victim Compensation Commission (“Commission”) with the opportunity to testify before you today. The Commission strongly supports with amendments the passage of House Bill 2490, HD1, Relating to Juvenile Justice. House Bill 2490, HD1, improves and enhances Hawai‘i’s juvenile justice system.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by crime victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crimes could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available.

The Commission supports the goals of House Bill 2490, HD1, however, the Commission is concerned that the proposed legislation does not address the needs of the victims of the juvenile

offenders. House Bill 2490, HD1, is based on the recommendations of the Hawai'i Juvenile Justice Working Group. The victim community was not represented on the Juvenile Justice Working Group. Prior to the issuance of the Hawai'i Juvenile Justice Working Group's final report, the Pew Charitable Trusts asked the Commission and members of the victim community to provide comments on issues involved in the juvenile crime justice system. None of the comments and suggestions were included into the final report or in House Bill 2490, HD1. The Hawai'i Juvenile Justice Working Group's Final Report made only a passing, non-substantive reference to victims (page 11) and makes only one reference to restitution (on page 13). The report recommended that the juvenile reentry plan include restitution. House Bill 2490, HD1, does not specifically require that the reentry plan address restitution.

Restitution has been established as a factor in reducing recidivism amongst juveniles. See e.g. Butts, Jeffrey A. & Snyder, Howard "Restitution and Juvenile Recidivism" *Juvenile Justice Bulletin* (September 1992); Zehr, Howard "Restitution Reduces Recidivism", *Crime and Justice Network Newsletter* (Oct. 1990-March 1991); Ruback, R. Barry "Restitution in Pennsylvania: A Multimethod Investigation" *Final Grant Report Submitted to Pennsylvania Commission on Crime and Delinquency* (August 2002). For this reason, the Commission recommends that House Bill 2490, HD1, be amended to 1) make restitution mandatory for juvenile offenders, 2) include restitution as an issue that must be addressed in the reentry program, and 3) reestablish a Juvenile Monetary Restitution Project (JMRP) in the Judiciary. JMRP would be an employment assistance/workforce development program that helps juvenile offenders find and maintain employment which will, in turn, improve their ability to pay restitution. JMRP would include data collection to identify barriers to restitution payments and track the impact of restitution payment and employment on recidivism.

In addition to addressing restitution, the Commission requests that this bill be amended to include the recommendations made to the PEW Charitable Trust by representatives of the statewide victim community. In addition to making restitution mandatory and creating JMRP, the victim community recommended that any juvenile justice legislation address: 1) restorative justice programming, 2) confidentiality issues, and 3) data collection regarding payment of restitution. Restorative justice programming provides a structured opportunity for juvenile

offenders to apologize to their victims through the development of an “apology class” and to understand the harm their actions have caused to their victims, and to the community, through attendance at “victim impact panels”. The United States Department of Justice created an “Impact of Crime on Victims” curriculum that was positively evaluated for effectiveness with both adult and juvenile offenders that can be adapted to Hawai‘i.

Confidentiality issues have prevented victims of juvenile offenders from obtaining justice. While the confidentiality of juvenile cases is important, it must be balanced against the needs of the victims. In the following instances, limited information should be provided to the victims:

- Compensation -- Provide victims of juvenile offenders meaningful access to crime victim compensation by providing the victim witness advocate programs within the county prosecutors’ offices with timely access to the police reports. Allow the advocates to provide case identifying information to the Commission so the Commission can pay compensation (police reports are required for payment of compensation by the Commission).
- Protective Orders/Restraining Orders - Provide victims meaningful access to protective/restraining orders by providing them with the information necessary to file a restraining order (name of offender and offender’s parents and their address).
- Victim Notification - provide notification to victims/surviving family members when juvenile offenders are released from a secure custody setting.
- Civil Suit to Recover Crime Related Expenses - Provide victims with access to information necessary to file a civil suit to recoup their crime related expenses.

The creation of a data driven approach to restitution and assessment in all juvenile offender cases is necessary to ensure an evidence based approach to improving rights for and services of victims of juvenile offenders. A significant percentage of cases involving juvenile offenders are informally adjusted. It is currently unknown whether the victims of juvenile offenders are receiving restitution in these cases. Likewise, no data on formally adjudicated juveniles is available. The documentation of data about the enforcement of the statutory rights of victims of juvenile offenders – particularly victim restitution, notification and safety – requires person-power to collect and analyze data to insure an evidence-based approach to improving rights for

and services to the victims. The data elements of evaluating the success of this legislation in Hawai'i *must* include data specific to the collection of victim restitution, victim notification, and victim safety measures ordered, maintained and/or violated.

The bill with the proposed amendments will be a victim centered approach to juvenile criminal justice and will benefit both juvenile offenders and victims.

Thank you for providing the Commission with the opportunity to testify in strong supports with amendments of House Bill 2490, HD1.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White, LCSW
Victim/Witness Program Director

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Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT OF
H.B. NO. 2490, HD1
A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE

Justin F. Kollar, Prosecuting Attorney
County of Kauai

House Committee on Finance

Tuesday, February 25, 2014
2:00 p.m., Room 308

Honorable Chair Luke, Vice-Chairs Nishimoto and Johanson, and Committee Members:

The Office of the Prosecuting Attorney, County of Kauai submits the following testimony in **support** of H.B. 2490, HD1, Relating to Juvenile Justice, along with its companion measure, H.B. 2489, HD1.

As grounds therefore, we cite to the reasons provided in the testimony of David Hipp from the Office of Youth Services, dated February 11, 2014.

For these reasons, we **support** H.B. 2490, HD1, as written. We ask the Committee to **pass** the bill. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin F. Kollar".

Justin F. Kollar
Prosecuting Attorney
County of Kaua'i

HAWAII YOUTH SERVICES NETWORK

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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
Courage House Hawaii
Domestic Violence Action Center
EPIC, Inc.
Family Programs Hawaii
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
Kaanalike
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

February 4, 2014

To: Representative Sylvia Luke, Chair
And members of the Committee on Finance

Testimony in Support of HB 2490 HD 1 Relating to Juvenile Justice

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 2490 HD 1 Relating to Juvenile Justice.

Youth who enter a juvenile prison are more likely to experience continued involvement in the juvenile and adult criminal justice system.

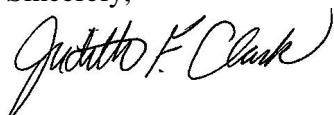
Most juvenile offenders in Hawaii are arrested for non-violent crimes. Half of all arrests are for status offenses, such as running away from home, curfew violation, or truancy from school. These young people are not a danger to the community. Their offenses are often the result of a troubled family life – domestic violence or child abuse – or due to the youth's need for mental health or substance abuse treatment services.

By increasing assessment and treatment options in the community, we can redirect these youth into safe, healthy, and productive activities and prevent future police and court involvement.

Funds that are currently used to incarcerate our youth can more productively be used to expand community-based options. We support initiatives currently under consideration by the Hawaii Legislature, such as the Safe Places for Youth Network and increased resources for substance abuse and mental health treatment for juvenile offenders.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Nishimoto, Vice Chair

Rep. Aaron Ling Johanson, Vice Chair

Tuesday, February 25, 2014

2:00 p.m.

Room 308

SUPPORT FOR HB 2490 - JUVENILE JUSTICE

Aloha Chair Luke, Vice Chairs Nishimoto and Johanson 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 Hawai'i 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.

HB 2490 HD1 enhances the juvenile justice system by concentrating secure bed space on serious juvenile offenders and strengthens disposition, adjustment, diversion, and services available for juvenile offenders to ensure family court judges, court staff, departmental staff, and service providers have the tools needed to keep youth safely and effectively in their communities. It increases interagency collaboration and establishes a temporary Juvenile Justice Oversight Advisory Council. Effective July 1, 2014

Community Alliance on Prisons supports this measure.

We have been working on adult justice issues for almost two decades. When we read Dr. Marilyn Brown's dissertation called *Motherhood on the Margins* (2003) that found 36% of the women on parole at the time of the research started in the juvenile justice system. This was a clarion call to Community Alliance on Prisons' and we started working on juvenile issues to shut off the pipeline of youth entering the adult system.

Representing Community Alliance on Prisons, I am a member of the Disproportionate Minority Contact Committee of the federally funded Juvenile Alternatives to Detention Initiative (JDAI); serve as an Advisory Board member to Films By Youth Inside (FYI), a program at HYCF that helps our youth tell their stories through production of short films they write, film, and for which serve as the cast and crew; serve on the Board of `Opio Haku Mo`olelo (Youth writing stories; youth making meaning); and assist a girl's filmmaking program called Making Media That Matters.

Research on better ways of addressing youthful offenses clearly shows that **incarcerating juveniles is not the most effective way of helping our youth** and does nothing to help us achieve better outcomes for all of our communities.

Neuroscientists, using advanced brain-scanning technology, are getting a better view of how the human brain develops than ever before. And what they've found is that in most people, **the prefrontal cortex and its links to other regions of the brain are not fully formed until age 25**—much later than anyone had realized. These areas are the seat of “executive decision making” — the parts of the brain that allow people to think through the likely consequences of an action, weigh the risks and benefits and stop themselves from acting on impulse. In other words, the stuff that makes you a mature person.¹

Brian Wilcox, a psychologist at the University of Nebraska said, “*There’s been a growing recognition that most of our earlier law in how we treat adolescents and young adults was chaotic and not tied to any empirical rationale. When many of these laws were established, there really wasn’t research on which they could be based.*”

It is no secret that Native Hawaiians, Samoans and Filipinos are over-represented in Hawai‘i’s justice system.² This is shameful and points to a real deficiency in our society. We *can* change this.

The Hawai‘i Juvenile Justice Working Group found that in 2012, 41% of youth were committed for nonviolent offenses. They also found that Hawai‘i’s violent offense arrest rates are below the national average and our property offense arrest rates are above the national average.

It is no surprise that property crime is above the national average when we know that 80% of the youth in the First Circuit are in need of substance abuse treatment and there is only one residential treatment facility to serve this desperate need.

Community Alliance on Prisons is so grateful that the bill includes a **reentry** plan for youth. This has been the weak link in the juvenile system, just as it has been in the adult system. We also support **instituting intermediate sanctions** for the most common probation violations as an important step in helping our youth understand the consequences of their actions.

Including **earned discharge** from probation is an important step in restoring hope to a youth who has broken the law. It gives youth something to focus on in order to reach their fullest potential. If a young person feels that there is no way out of the system, it can lead to more offenses as he or she may feel they have been labelled.

Adopting a **parole plan with services** is vital to successful reentry so that our youth achieve the results for which we all hope.

These elements are all so important. Please understand that if we don’t invest in our youth, we are all doomed. Let see each child in our communities as a precious gem. Let’s do everything we can to help them understand the facets of life and help them work through the rough spots. Be a mentor! Be a champion! Please support our keiki and youth by passing this bill.

Mahalo for the opportunity to testify.

“Children are the living messages we send to a time we will not see.”

John W. Whitehead, founder, Rutherford Institute

¹ **What is the Age of Responsibility?** By Alan Greenblatt, October 2009. <http://www.governing.com/node/4018>

² **Why So Many Hawaiian, Samoan And Filipino Youth In Justice System?** Civil Beat, By Chad Blair October 24, 2012. <http://www.civilbeat.com/articles/2012/10/24/17448-why-so-many-hawaiian-samoan-and-filipino-youth-in-justice-system/>

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 22, 2014 4:32 PM
To: FINTestimony
Cc: mauicrowe@gmail.com
Subject: Submitted testimony for HB2490 on Feb 25, 2014 14:00PM

HB2490

Submitted on: 2/22/2014

Testimony for FIN on Feb 25, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
james crowe	Individual	Comments Only	No

Comments: I strongly support HB2490. re: juvenile justice. Congratulations to all of you who are putting your efforts into updating the juvenile justice system. It takes less money and less effort to offer them diversion from prison and emotional, helpful services. they can be effective youth in their communities with supportive adults around them. Fund this bill please.

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finance8-Danyl

From: mailinglist@capitol.hawaii.gov
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To: FINTestimony
Cc: shaglund@hotmail.com
Subject: Submitted testimony for HB2490 on Feb 25, 2014 14:00PM

HB2490

Submitted on: 2/23/2014

Testimony for FIN on Feb 25, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sue haglund	Individual	Support	No

Comments:

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 24, 2014 1:58 PM
To: FINTestimony
Cc: hlusk@chowproject.org
Subject: *Submitted testimony for HB2490 on Feb 25, 2014 14:00PM*

HB2490

Submitted on: 2/24/2014

Testimony for FIN on Feb 25, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	Individual	Support	No

Comments:

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Cc: angelica.zabanal@gmail.com
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HB2490

Submitted on: 2/24/2014

Testimony for FIN on Feb 25, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Angelica Zabanal	Individual	Support	No

Comments:

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LATE

TESTIMONY FOR HOUSE BILL 2490 HD 1, RELATING TO JUVENILE JUSTICE.

To: Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair
Members of the House Committee on Finance

RE: HB 2276 Relating to Juvenile Justice

HEARING DATE: Tuesday, February 25, 2014, 2:00 PM
House Conference Room 308

Thank you for the opportunity to submit testimony in support of House Bill 2490 which will enhance the juvenile justice system by concentrating on securing bed space on serious juvenile offenders.

Working with juvenile offenders in the past, I feel that this bill is what we need right now to better support our youth. Many of the youth today deal with issues that we may not have seen 10, 15 years ago. At this time we need more support within the communities to better help and assist these youths and their families. Providing programs to better suit youth to get them not only the help and support that they need but also giving them safe and healthy activities to discourage any further court or police involvement. By strengthening the programs and supports that we have, it could lessen the amount of juveniles that end up at the Hawaii Youth Correctional Facility.

In closing, I would like to reiterate my support for HB 2490.

Sincerely,
Ashley Canillo
acanillo@hawaii.edu

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

LATE

February 25, 2014

RE: H.B. 2490, H.D. 1; RELATING TO JUVENILE JUSTICE.

Chair Luke, Vice-Chairs Nishimoto and Johanson, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to H.B. 2490, H.D. 1.

While the Department understands the desire to limit Hawai'i's youth correctional facility ("HYCF") to those who pose the greatest risk to public safety, the Department believes it would be highly irresponsible to disregard the fact that HYCF is the only secured long-term facility of any kind—now available to juveniles in Hawai'i—where various services such as substance abuse and mental health treatment are provided. Any efforts to decrease the population of HYCF, without adequate support programs and services in place ahead of time, would be entirely premature and place those juvenile offenders at greater risk of remaining untreated through adulthood, potentially fast-tracking them into the adult criminal justice system.

Given the severe lack of programs available to juvenile offenders in Hawai'i, HYCF is sometimes the only option for those who—though arguably of some risk to the public—are clearly a danger to themselves, and have been unable to receive the necessary treatment by any other means. The availability of services such as substance abuse and/or mental health treatment for juveniles is even worse than for adults, particularly in cases requiring long-term treatment. The Department strongly believes that additional services and programs are needed for all juvenile offenders in need of mental health and/or substance abuse services, as early as possible, to provide the best possible chance of intervention, treatment and/or recovery.

The Department has proposed ways to expand services for juvenile offenders, or even provide early-intervention before juveniles enter the justice system, by adapting some of the few programs and facilities that are currently available. For example, **H.B. 237, H.D. 1** (currently with the House Committee on Finance) and **S.B. 419, S.D. 1** (currently with the Senate Committee on Ways and Means) would appropriate funding to the Department of Education for two additional alternative

schools, to be modeled after the highly-successful High Core program in the Central school district. At these alternative schools, troubled youth would receive specialized services in an environment designed to meet their needs, and many would be redirected before they ever commit any offenses.

Another idea the Department has endorsed is to separate-out part of the juvenile detention facility in Kapolei, which is a secured facility that regularly has **dozens of bed spaces available**. If appropriate modifications were made and agencies arranged to provide services there, that facility could be used concurrently as a temporary detention facility—as it is used now—and as a secured residential facility for mental health and substance abuse treatment. This would also avoid (or defray) the huge expense and delays of having to build an all-new facility.

Risk-assessment & diversion

While the Department has no objections to using a validated risk assessment tool as **one of the factors** for decision-makers to consider, it is imperative that this one tool does not become a predominant factor. Given the many other factors and considerations that weigh heavily on decisions regarding diversion, detention, charging, disposition, and other matters, it would be unreasonable to give greater weight to a risk-assessment tool than to any other factor involved.

As to changes in intake process (Page 22, Section 8, Subsection (3)(a)), it is unclear why court involvement would be needed for diversion from the justice system, when diversion can currently be conducted by police, probation officers, and others. Indeed, one of the primary purposes of diversion is to avoid court intervention and/or involvement if possible; this provides faster access to counseling for diverted juveniles, and eases caseload and calendaring pressures for the courts. To add diversion programs to the court's long list of responsibilities seems inapposite to the purpose of diversion.

Probation and parole

Although the concept of "earned discharge" may seem useful on its face, H.B. 2490, H.D. 1, is unclear as to exactly how this program would work. Are credits taken away if the offender violates the terms and conditions of their probation, or do credits get erased altogether and start over again? Is it even possible to build a matrix as flexible and responsive as the oversight of an experienced judge, who not only stays with the same juvenile for as long as they are under Family Court jurisdiction, but is able to assess and weigh each aspect of a juvenile's history, circumstances, personality, and so forth?

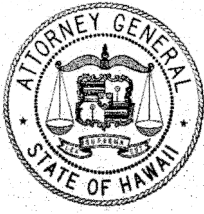
Another problem is that earned discharge would require all probation to be for set terms (as in Page 33, Section 14, Subsection (1)(A)(ii)). Prohibiting Family Courts from ordering "probation until further order of the court"—as they are able to do now—would substantially deteriorate the flexibility that these courts were designed to employ, and bring them more in line with the adult criminal justice system. Mandating set terms of probation would prohibit judges from ending probation immediately once a juvenile has met the terms and conditions of probation and/or exhibited sufficient rehabilitation; this would also require the courts to schedule a hearing every time probation needs to be shortened or extended, based on a juvenile's progress or lack thereof. Each additional hearing creates more court congestion, requires that the juvenile be taken out of school, and requires their parent(s) to take time off of work; many families also have transportation challenges. Ultimately, set terms of probation would decrease a Family Court's flexibility, discount judges' familiarity with juveniles in their district and discount their experience in gauging each juvenile's progress, attitude and rehabilitation.

In terms of placement at HYCF (page 34, Section 14, subsection (1)(B)(i)), the Department reiterates that HYCF is currently the only secured long-term facility that can provide services such as

mental health and/or substance abuse treatment for juveniles. Thus, strictly limiting admission to certain types of offenses or scenarios would further limit the Family Courts' ability to carry out their purpose, which expressly includes "foster[ing] the rehabilitation of juveniles in difficulty, render[ing] appropriate punishment to offenders, and reduc[ing] juvenile delinquency." (HRS §571-1) If detention is necessary to protect the immediate welfare of a juvenile and/or provide some form of rehabilitation, then HYCF may be the court's only option, due to the current lack of alternative resources or facilities.

With regards to the specific factors that HYCF shall consider when granting parole (page 15, Section 4, subsection (b)), the Department strongly believes that the list of considerations must expressly state this list is **not exhaustive**, to allow for the many other factors that can contribute to such a determination. Moreover, the list should include whether the juvenile offender has successfully completed the appropriate assessments, treatment programs, and/or other services at HYCF, as this is the only way to ensure that some of them receive these things as needed.

Before any measures are taken to divert or release more juvenile offenders back into the community, there must be suitable and effective programs in place and available for them to go to; otherwise, they are only going to return to the exact same environment from which they came. For this and all of the foregoing reasons, the Department of the Prosecuting Attorney, City and County of Honolulu, opposes H.B. 2490, H.D. 1. Thank you for this opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:

H.B. NO. 2490, H.D. 1, RELATING TO JUVENILE JUSTICE.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

LATE

DATE: Tuesday, February 25, 2014

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): David M. Louie, Attorney General, or
Blair Goto, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General supports this bill, but notes a constitutional problem.

The purpose of the bill is to improve the juvenile justice system by requiring use of evidence-based practices such as case plans, reentry plans, risk and needs assessments, diversion and informal adjustment, earned discharge from probation, training of probation officers on best practices, and limiting commitments to the Hawaii Youth Correctional Facility. The bill would also establish a juvenile justice interdepartmental cluster to coordinate services for high-need youth and require reporting of outcomes to a temporary juvenile justice oversight advisory council.

Article III, section 14, of the Hawaii Constitution provides: "No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. . . ." The title of this bill is "relating to juvenile justice." All of the sections of the bill deal with various aspects of the juvenile justice system except section 15 on page 42, lines 13-14. Section 15 of the bill would repeal chapter 321D, Hawaii Revised Statutes (HRS). Chapter 321D, HRS, establishes the statewide interdepartmental cluster (cluster) for services to children having severe emotional and developmental problems. Although some children being served by the cluster are involved with the juvenile justice system through the judiciary, many children are not. As a result, the section 15 repeal of chapter 321D, HRS, would affect a topic wider than "juvenile justice" and would violate article III, section 14, of the Constitution. Accordingly, we recommend that section 15 of the bill be deleted and placed in another bill with a suitable title.

As to the remainder of the bill, evidence-based practices are those that have been shown by research to be likely to reduce delinquency and recidivism. By integrating these evidence-based practices into how it supervises, places, and treats youth, Hawaii's juvenile justice system will be poised to benefit from the positive experiences of other juvenile justice systems that have implemented similar practices. If other systems' successful experiences can be realized here, these practices are likely to reduce delinquency in Hawaii and, in so doing, result in increased efficiency and improved outcomes in Hawaii's juvenile justice system.

If section 15 of the bill can be deleted, we believe that the remainder of the bill creates no constitutional or legal problems and respectfully ask the Committee to pass this bill with the requested amendment.



LATE

HB2490 HD1
RELATING TO JUVENILE JUSTICE
House Committee on Finance

February 25, 2014

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2490 HD1, which would strengthen our current juvenile justice system by focusing resources and providing additional tools for rehabilitation and reentry programs, to reduce long-term recidivism and enhance the continuum of care for youth offenders.

In 2010, OHA produced a comprehensive report detailing the overrepresentation and disparate treatment of Native Hawaiians in the criminal justice system.¹ This report found that Native Hawaiian youth are disproportionately represented in the juvenile justice system, and are also most frequently arrested in all offense categories. Accordingly, addressing the prevalence of Native Hawaiian youth offenders in the criminal justice system, and providing them with adequate and effective rehabilitation opportunities, are key concerns within the Native Hawaiian community.

In order to address the findings in the 2010 report, since 2012, OHA has administered the legislatively-established Native Hawaiian Justice Task Force (NHJTF). A copy of the NHJTF 2012 legislative report and related materials are available at: www.oha.org/nativehawaiianjusticetaskforce. Consistent with the 2010 report, the NHJTF 2012 report focused in part on youth offender intervention, noting that “an individual’s contact with the criminal justice system, regardless of race, often begins at youth.”²

This bill furthers the findings and recommendations under section “C” of the NHJTF 2012 report, which relate to “[p]revention and early intervention programs for Native Hawaiians,” and which recommend that the legislature consider the linkage between early prevention and/or intervention with adult incarceration.³ Substantial testimony before the NHJTF and mounting national empirical evidence suggest that incarceration of juveniles is not the most effective way of rehabilitating

¹ Office of Hawaiian Affairs, The Disparate Treatment of Native Hawaiians in the Criminal Justice System (2010) available at <http://bit.ly/1e7auks>.

² 2012 NATIVE HAWAIIAN JUSTICE TASK FORCE REP. sec. C, at 21.

³ *Id.* at 28.

early offenders and intervening in the cycle of recidivism.⁴ Instead, supporting positive reintegration into the youths' communities and families, encouraging prosocial mentor and peer networks, and promoting rehabilitation from substance abuse or other past trauma will foster healing and help develop "executive decision making" skills to intervene in future unlawful behavior.

Accordingly, this bill offers comprehensive reentry planning to include interagency and organizational coordination for programming and treatment. It also provides for flexible incentive and consequence tools, including earned discharge and graduated sanctions for common probation violations, to reinforce reentry plans. **By focusing on individual risk and needs assessments, allowing for evidence-based rehabilitation options, and closing gaps in the continuum of care for our juvenile offenders, this bill offers much hope that we may better intervene in the early cycles of contact with the criminal justice system, heal our offending youth, and make our communities safer in the long-term.**

Therefore, OHA urges the committee to **PASS** HB2490 HD1. Mahalo for the opportunity to testify on this important measure.

⁴ Joel Rosch, *Deviant Peer Contagion: Findings from the Duke Executive Sessions on Deviant Peer Contagion*, THE LINK: CONNECTING JUVENILE JUSTICE AND CHILD WELFARE (Child Welfare League of Am., Washington, D.C.), Fall 2006.

COMMITTEE ON FINANCE

Honorable, Sylvia Luke, Chair
Honorable, Scott Nishimoto & Aaron Ling, Vice Chairs
Tuesday February 25, 2014
2:00 p.m.
Room 308



STRONG SUPPORT HB 2490 & HB 2489– RELATING TO JUVENILE JUSTICE

Please pass these two bills with the three amendments to HB 2490 as suggested below:

1. Section 14 of the bill concerning HRS 571-48 (1)(B) should be amended to delete the provisions that juveniles whose probation has been violated or revoked, and juveniles under the jurisdiction of drug or girls court may be placed in the Hawai'i youth correctional facility (HYCF) when the court finds the youth is a "public safety risk." There is a plethora of evidence, and as this bill correctly finds, that "when less serious youth are placed in secure facilities, the risk of reoffending increases" (p. 2). Probation violations and revocations, and youth sentenced to drug or girls court are by nature "less serious offenders." The detrimental effects of incarceration on these youth remains true, even if a court believes a child poses a "public safety risk." Youth should not be incarcerated for any kind of status offenses.
2. Section 2 of the bill concerning reentry plans needs to be amended to include that youth must participate in developing her or his reentry plan. Individuals need to participate in their own reentry planning regardless of what professionals might think is "best" for them. Youth know more about themselves and their goals than anyone else no matter how "learned" the experts might be. If youth are included in making their reentry plans it is likely they will be more meaningful and ultimately more effective.
3. Throughout the bill there are numerous references to assessments based on the youth's "risks and needs." There has been tremendous development in social psychology in the last 15 years that show people are better served by identifying their strengths instead of only their weaknesses and problems. "Strength based assessments" exist, and all youth who come into contact with the juvenile justice system, need to have their strengths assessed. All references to "risks and needs" in the bill should be amended to: "strengths, risks and needs."

I was a member of the task force that developed this bill. For many years, I have studied, designed, and taught others about interventions for youth and adults that promote criminal and substance abuse desistance, and how incarceration affects people. For more on my work, publications, and teaching experiences please see www.lorennwalker.com.

Mahalo for your hard work to help youth in our state who become involved with the criminal justice system to find positive futures and to keep our community safe.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 25, 2014 11:01 AM
To: FINTestimony
Cc: pamelalichty@gmail.com
Subject: Submitted testimony for HB2490 on Feb 25, 2014 14:00PM

HB2490

Submitted on: 2/25/2014

Testimony for FIN on Feb 25, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Lichty	Drug Policy Action Group	Support	No

Comments: The Drug Policy Action Group strongly supports this measure. HB 2490 embodies the approach of being Smart on Crime which Attorney General Holder has recently touted. In the case of juveniles even more than adults, it makes sense - on every level - to reserve bed space in juvenile correctional facilities only for those who truly pose a danger to public safety, a very small minority. Recognizing that 41% of our youth offenders are non-violent and that our resources are severely limited, we must embrace approaches that are effective in serving our youth, their families and communities. We understand that the success of the provisions in this bill will only work if the prior bill, HB2489, HD1, is fully funded, so as we said in our testimony on that measure, we strongly endorse that as well. We thank the Finance Committee for hearing this critically important measure and urge you to move it out today. Mahalo for the opportunity to testify.

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