



**SB2791 SD1**  
**RELATING TO JUVENILE JUSTICE REFORM**  
Senate Committee on Ways and Means

February 21, 2018

10:10 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2791 SD1. This measure would transform the Hawai'i Youth Correctional Facility into the Kawailoa Youth and Family Wellness Center, which would adopt an innovative, therapeutic approach specifically designed to help heal Hawai'i's troubled youth, restore their families, and enhance the long-term safety and overall well-being of our communities.

In 2010, OHA produced a comprehensive report detailing the overrepresentation and disparate treatment of Native Hawaiians in the criminal justice system.<sup>1</sup> 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.<sup>2</sup> Since 2012, OHA has also administered the Native Hawaiian Justice Task Force (NHJTF), which was tasked by the Legislature to address the multi-faceted issue of Native Hawaiian involvement in the criminal justice system.<sup>3</sup> **In its report, the Task Force further acknowledged that "an individual's contact with the criminal justice system, regardless of race, often begins at youth."**<sup>4</sup>

The proposed Kawailoa Youth and Family Wellness Center will help to address these very concerning findings, by taking an innovative approach to rehabilitating at-risk and offending youth that is individual-, family-, and community-focused. OHA understands that the Center will focus on treating the root causes of delinquent youth behavior, rather than by simply punishing the symptoms, thereby reducing the likelihood that offending youth will continue to engage in criminal activity through adulthood. For example, services offered will seek to proactively prevent and disrupt juvenile delinquency by addressing the unique challenges faced by youth experiencing homelessness, drug addiction, mental illness, and human trafficking. The Ho'opono Mamo diversion program supported by this measure, which has already demonstrated success with its youth participants, will also continue to provide moral and spiritual grounding for at-risk Hawaiian youth by focusing on personal accountability and

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<sup>1</sup> OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM (2010), [https://www.oha.org/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](https://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf).

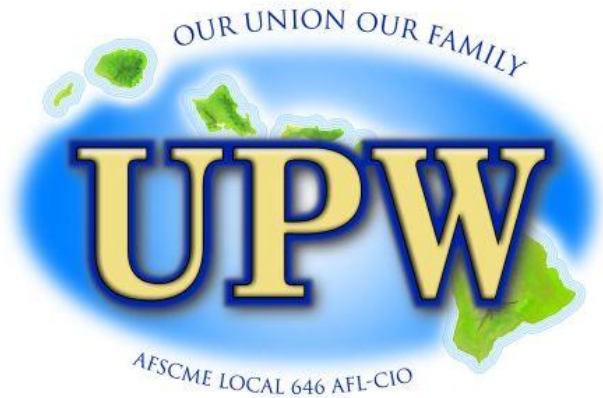
<sup>2</sup> *Id.* at 68.

<sup>3</sup> OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT (2012), [https://www.oha.org/wp-content/uploads/2012NHJTF\\_REPORT\\_FINAL\\_0.pdf](https://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

<sup>4</sup> *Id.* at 21.

interpersonal healing through traditional Hawaiian practices including pule, ho'oponopono, and mālama 'āina. **OHA believes that these early-stage therapeutic approaches will help to heal our broken youth, resulting in stronger individuals and families, and will likely provide long-term benefits to public safety and the overall well-being of our communities.** In addition, OHA is hopeful that the success of the Kawailoa Center may also serve as a model for greater reform within our criminal justice system.

Therefore, OHA urges the Committee to **PASS** SB2791 SD1. Mahalo for the opportunity to testify on this measure.



THE HAWAII STATE SENATE  
The Twenty-Ninth Legislature  
Regular Session of 2018

COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Members of the Committee

DATE OF HEARING: Wednesday, February 21, 2018  
TIME OF HEARING: 10:10 a.m.  
PLACE OF HEARING: Conference Room 211  
State Capitol  
415 South Beretania Street

**Testimony on SB2791 SD1 Relating to Juvenile Justice Reform**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers,  
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and the four counties. The UPW also represents about 1,500 members of the private sector.

SB2791 SD1 establishes the Kawailoa Youth and Family Wellness Center and changes the approach of juvenile justice to a therapeutic model. The UPW requests the committee to add the requirement for training of staff to acquire any additional skills required to assist the new program. A major responsibility of Youth Corrections Officers "is to discuss problems and

concerns with wards; encourage proper behavior and motivate wards in the performance of activities...” This creates opportunities for wards to communicate and express themselves. Specialized experience is also required as part of the Youth Corrections Officer (YCO) job description: “Work experience (paid or unpaid) with demonstrated knowledge of adolescent behavior, concerns, interests and ability to discuss their concerns and problems.” The YCOs are dedicated to being a part of the solution to assist our young people. They are parents and concerned citizens too.

The UPW opposes outsourcing work historically performed by the civil service staff.

Thank you for opportunity to submit this testimony.

**SB-2791-SD-1**

Submitted on: 2/17/2018 9:31:18 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

We continue to STRONGLY SUPPORT this bill.

# HAWAII YOUTH SERVICES NETWORK

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Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of  
Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of  
West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action  
Network

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together  
(PACT)

Planned Parenthood of the  
Great Northwest and  
Hawaiian Islands

PHOCUSED

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community  
Center

The Catalyst Group

February 19, 2018

To: Senator Donovan Dela Cruz, Chair  
And members of the Committee on Ways and Means

## **TESTIMONY IN SUPPORT OF SB 2791 SD 1 RELATING TO JUVENILE JUSTICE REFORM**

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 2791 SD 1 Relating to Juvenile Justice Reform.

In 2014, the Hawaii Legislature enacted bills that defined beds in the Youth Correctional Facility as being for serious offenders only and allocated funds for mental health and substance abuse treatment.

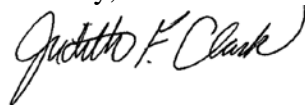
Since then:

- The number of youth at Hawaii Youth Correctional Facility has declined to the lowest level ever – about 20 youth in a facility built for 60 that had 120 fifteen years ago;
- At the same time, the number of adolescents receiving services from the Child and Adolescent Mental Health Division has increased; and,
- The number of youth in out-of-state residential treatment has increased. Youth are only placed out-of-state if there are no appropriate services available in Hawaii.

It is clear that increasing access to mental health and substance abuse treatment improves outcomes for youth in the juvenile justice system. Providing prevention and treatment services in portions of the facility no longer needed for court-sentenced youth makes sense.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director



## Helping Hawai'i Live Well

**To:** Senator Donovan Dela Cruz, Chair, Senator Gilbert Keith-Agaran, Vice Chair, Members, Senate Committee on Ways and Means

**From:** Trisha Kajimura, Executive Director

**Re: TESTIMONY IN SUPPORT OF SB 2791, SD1 RELATING TO JUVENILE JUSTICE REFORM**

**Hearing: February 21, 2018, 10:10 AM, CR 211**

Thank you for hearing **SB 2791, SD1** which establishes the Kawailoa Youth and Family Wellness center and transforms the approach of juvenile justice to a therapeutic model.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 76 years ago, that serves the community by promoting mental health through advocacy, education and service. This bill supports the mental health of Hawaii's youth by offering them the opportunity to receive services that can help them to heal from past trauma and recover from mental illness that is most likely related to the cause of their involvement with the juvenile justice system. Investing in the mental health of these youth will help them to build the coping skills and emotional resources needed to transition successfully to the community, avoid future incarceration and hopefully thrive.

Hawaii is lacking in mental health and addiction treatment overall and particularly for youth. Adding this resource will be of tremendous benefit to at-risk youth in need.

Thank you for considering my **testimony in support of SB 2791, SD1**. Please contact me at [trisha.kajimura@mentalhealthhawaii.org](mailto:trisha.kajimura@mentalhealthhawaii.org) or (808)521-1846 if you have any questions.



# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON WAYS AND MEANS

Senator Donovan Delacruz, Chair

Senator Gil Keith-Agaran, Vice Chair

Wednesday, February 21, 2018

10:10 am

Room 211

## SB 2791 SD1 - KAWAIOLOA YOUTH & FAMILY WELLNESS CENTER - SUPPORT

Aloha Chair Delacruz, Vice Chair Keith-Agaran 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 in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of all the people who have died in our facilities including, JESSICA FORTSON, JOEY O'MALLEY, DAISY KASITATI, ASHLEY GREY. and the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 2791 Establishes the Kawaioloa Youth and Family Wellness Center and changes the approach of juvenile justice to a therapeutic model. (SD1).

Community Alliance on Prisons supports Hawai'i changing its approach to youth justice from a punitive system of punishment to a public health-focused model of rehabilitation and wellness.

Research has shown making the shift from a punitive system to a rehabilitative one that cares about the youth being served, has a tremendous life-long effect on the person. When we start WORKING WITH our youth rather than WORKING ON them, we create an environment of caring, this is the environment needed that allows change to happen. This is what our youth need. Open minds, caring hearts, and community support to guide them through this information-overloaded world.

We respect the work of the Hawai'i Youth Services Network and hope that the bill is amended with the research they provided at the end of their testimony to correct some assertions made in Section 1. Just because youth "hang out" in Waikiki does not mean they are houseless; only 5% of juvenile arrests in Hawaii involve some form of intimidation or use of weapons (This does not indicate that violent crime among our youth is a serious concern), and only 13% of street youth who completed a 2016 survey stated that they had traded sex for food, money, drugs, or a place to sleep. Mahalo for this opportunity to support positive change for our youth.

*The Youth of a Nation are the trustees of posterity.*

*Benjamin Disraeli*

**SB-2791-SD-1**

Submitted on: 2/19/2018 8:45:12 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**PRESENTATION OF THE  
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES  
DEMOCRATIC PARTY OF HAWAI'I**

TO THE COMMITTEE ON WAYS AND MEANS

THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Wednesday, February 21, 2018

10:10 a.m.

Hawaii State Capitol, Conference Room 211

RE: Testimony in Support of SB 2791 SD1 RELATING TO JUVENILE JUSTICE REFORM

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No.2791, SD1 relating to the Department of Justice Reform and Kawaihoa Youth and Family Wellness Center Human Services.

The OCC Legislative Priorities Committee is in favor of Senate Bill No. 2791 SD1 and support its passage.

Senate Bill No. 2791 SD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it establishes the Kawaihoa Youth and Family Wellness Center and changes the approach of juvenile justice to a therapeutic model.

The DPH Platform states that "[w]e believe that all families should have an equal opportunity to build their assets and become self-sufficient, and we support a strong safety net of programs that will afford them the opportunity to do so. We must protect our children, our future, from violence and neglect and provide them with a safe and healthy environment in which to grow and thrive. (Platform of the DPH, P. 4, Lines 184-187 (2016)).

We also support the establishment of adequate mental health and statewide drug rehabilitation programs set up in conjunction with policing policies aimed at enabling all that seek assistance to obtain whatever support assistance is needed to allow them to remain free of drug dependence. (Platform of the DPH, P. 7, Lines 382-385 (2016)).

We support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise, we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational, and other assistance programs needed to allow them to become productive and respected members of the community. (Platform of the DPH, P. 5, Lines 273-277 (2016)).

Given that Senate Bill No. 2791 SD1 establishes the Kawaihoa Youth and Family Wellness Center and changes the approach of juvenile justice to a therapeutic model, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

**SB-2791-SD-1**

Submitted on: 2/19/2018 6:09:17 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeanne Ohta	Individual	Support	No

Comments:

This proposal is moving our focus on youth in the right direction. We need more approaches that are sensible, use public health modalities, and are restorative, especially when dealing with youth.

**SB-2791-SD-1**

Submitted on: 2/19/2018 9:29:28 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	Yes

Comments:

I stongly support this bill. Anything we can do to catch problems in young people early and treat them in a restorative, rather than a punitive way, will benefit the community for many years to come.

**SB-2791-SD-1**

Submitted on: 2/20/2018 9:12:55 AM

Testimony for WAM on 2/21/2018 10:10:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dani Ruiz	Individual	Support	Yes

Comments: