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CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

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DEPUTY DIRECTOR
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STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 30, 2023

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HCR 72/ HR73 - URGING THE OFFICE OF YOUTH SERVICES AND FAMILY COURT OF THE FIRST JUDICIAL CIRCUIT TO COLLABORATE IN IDENTIFYING PROCESSES, PROCEDURES, AND STRATEGIES FOR PARTNERING WITH COMMUNITY ORGANIZATIONS TO MAXIMIZE REHABILITATION AND MINIMIZE RECIDIVISM FOR JUVENILE OFFENDERS.**

Hearing: March 31, 2023, 2:00 p.m.
Conference Room 325 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of these resolutions and defers to the Office of Youth Services and the Judiciary.

PURPOSE: These resolutions request the Office of Youth Services and the Judiciary to collaborate in identifying processes, procedures, and strategies for partnering with community organizations to maximize rehabilitation and minimize recidivism for juvenile offenders; consider best practices and lessons from other nations and United States jurisdictions that have successful programs; and submit a report of their findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

DHS appreciates the Legislature's attention and commitment to continuing decades-long efforts to transform the juvenile justice system from a punitive system to a restorative one

with significant legislation such as Act 201, Session Laws of Hawaii (SLH) 2014, Act 208, SLH 2018, and Act 130, SLH 2022. As a result of these and other initiatives, together, the community of stakeholders has maintained very low admissions to the Hawaii Youth Correctional Facility (HYCF), and more community-based service providers have initiated culturally based programs for youth and young adults at risk of justice involvement. Last year Hawaii achieved a milestone in the country - for 80 days, Hawaii did not have any girls incarcerated at HYCF.

To maintain and continue to make progress, sustained investment in the Office of Youth Services and the Judiciary is needed, and we respectfully request that the Legislature approve executive budget requests for staff and program funding for the Office of Youth Services as it acts to change the paradigm and address the complexity of needs of Hawaii's youth at risk of involvement with the justice system.

Thank you for the opportunity to provide comments on this measure.



HR73 HD1

URGING THE OFFICE OF YOUTH SERVICES AND FAMILY COURT OF THE FIRST JUDICIAL CIRCUIT TO COLLABORATE IN IDENTIFYING PROCESSES, PROCEDURES, AND STRATEGIES FOR PARTNERING WITH COMMUNITY ORGANIZATIONS TO MAXIMIZE REHABILITATION AND MINIMIZE RECIDIVISM FOR JUVENILE OFFENDERS

House Committee on Judiciary & Hawaiian Affairs

March 31, 2023

2:00 PM

Room 325

The Office of Hawaiian Affairs (OHA) offers its **STRONG SUPPORT** for HR73 HD1, which urges the Office of Youth Services and the Family Court of the First Judicial Circuit to collaborate in identifying processes, procedures, and strategies for partnering with community organizations to maximize rehabilitation and minimize recidivism for juvenile offenders, while taking into consideration best practices and lessons from other nations and United States jurisdictions that have successful programs.

OHA wishes to emphasize the thrust of this measure to identify and implement culturally responsive rehabilitation to reduce recidivism, while also echoing the stated fact that “intergenerational trauma, cultural disconnection, homelessness, and other factors can drive and contribute to a high disparity in juvenile offenders.” As indicated by the preamble of this measure, Native Hawaiians are overrepresented in the State’s juvenile justice system (and the justice system, overall, making up approximately 37% of the prison population despite representing only 21% of the general population, and with a recidivism rate of approximately 58.6%).¹

In 2016, House Concurrent Resolution No. 85 HD2 SD1 established a task force to make recommendations to the Legislature on ways to improve Hawai‘i’s correctional system. The HCR85 Task Force, in its 2018 report to the Legislature, emphasized “diverting Native Hawaiian youth away from the criminal justice system, in part, through the implementation of culturally relevant programs throughout the justice system.”² Native Hawaiians continue to endure inequities and disparities that stem from unresolved historical injustices³ – injustices that established systems of oppression and institutions of racism that have yet to be dismantled and which persist in their severing of Native Hawaiians from their ancestral lands, their annihilation of Native Hawaiian presence in the Hawaiian Islands, and their attempted erasure of Native Hawaiian identity.⁴

¹ HCR Task Force on Prison Reform, *Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawai‘i Legislature 2019 Regular Session*, Dec. 2018, pp. 4-5; available at: https://www.oha.org/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform_Final-Report_12.28.18.pdf

² Id. at xiv.

³ Pub. L. 103-150 (1993), 107 Stat. 1510 “Apology Resolution.”

⁴ “If we are ever to have peace and annexation the first thing to do is to obliterate the past,” stated by Samuel Mills Damon, Vice President of the Provisional Government and Executive Council for the Republic of



HR73 HD1

URGING THE OFFICE OF YOUTH SERVICES AND FAMILY COURT OF THE FIRST JUDICIAL CIRCUIT TO COLLABORATE IN IDENTIFYING PROCESSES, PROCEDURES, AND STRATEGIES FOR PARTNERING WITH COMMUNITY ORGANIZATIONS TO MAXIMIZE REHABILITATION AND MINIMIZE RECIDIVISM FOR JUVENILE OFFENDERS

House Committee on Judiciary & Hawaiian Affairs

The State of Hawai‘i, on the condition of its admission to the Union,⁵ was obligated with an extra duty of care to the Native Hawaiian people,⁶ as a result of these historical injustices. The State reinforced that extra duty of care for the betterment of conditions of Native Hawaiians by enshrining this founding principle within the Hawai‘i State Constitution.⁷ The State has continuously acknowledged its extra duty of care to the Native Hawaiian people through additional statutory obligations vested in OHA⁸ and in recognition of Native Hawaiians as the only indigenous, aboriginal, and maoli people of Hawai‘i.⁹ **Despite numerous studies and recommendations, the State has NOT taken effective steps to address the overrepresentation of Native Hawaiians in the criminal justice system.**¹⁰

OHA appreciates the opportunity to testify on this measure and urges the Legislature to **PASS** HR73 HD1 for the betterment of conditions of Native Hawaiians. Mahalo nui loa!

Hawai‘i, Council of State (Provisional Government of the Hawaiian Islands, 1895). 26 November 1895. Hawaii State Archives Series 424 Vol. 4.

⁵ Pub. L. 86-3, 73 Stat. 4; Hawai‘i Admissions Act of 1959.

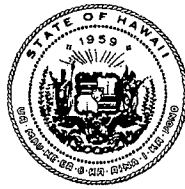
⁶ Id. at §5(f).

⁷ Haw. Stat. Con. Art. XII, Section 4-7 (1978).

⁸ Haw. Rev. Stat. §10.

⁹ Haw. Rev. Stat. §10H-1.

¹⁰ Id. at 5.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
1010 Richards Street, Suite 314
Honolulu, Hawaii 96813

March 30, 2023

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Leanne Gillespie, Executive Director

SUBJECT: **HCR 72 HD1 / HR 73 HD1 – URGING THE OFFICE OF YOUTH SERVICES AND DISTRICT FAMILY COURT OF THE FIRST JUDICIAL CIRCUIT TO COLLABORATE IN IDENTIFYING PROCESSES, PROCEDURES, AND STRATEGIES FOR PARTNERING WITH COMMUNITY ORGANIZATIONS TO MAXIMIZE REHABILITATION AND MINIMIZE RECIDIVISM FOR JUVENILE OFFENDERS.**

Hearing: March 31, 2023, 2:00 p.m.
Conference Room 415 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Office of Youth Services (OYS) supports the intent of these house resolutions and offers comments.

PURPOSE: The purpose of these resolutions is to urge the Office of Youth Services and First Judicial Circuit Family Court to collaborate on strategies to increase rehabilitation and reduce recidivism of juvenile offenders and consider best practices and lessons from other nations and United States jurisdictions that have successful programs.

The OYS appreciates the Legislature's commitment to providing resources for Hawaii's youth at risk and recognizing the over-representation of Pacific Islander youth in our juvenile justice and child welfare systems.

The OYS and Family Court have collaborated for many years to facilitate juvenile justice reform strategies and implement programs and services that reduce the over-representation of Pacific Islander and other marginalized youth within our juvenile justice system. One of these successful collaborative efforts includes the establishment of the Kawaihoa Youth and Family

Wellness Center (HRS 352D-7.5, SLH 2018), with a vision to create a pu'uhonua and support at risk youth through Native Hawaiian cultural practices.

The OYS annually reports to the Legislature on the programs it currently provides and agency collaboration projects it currently participates in. The OYS will continue to collaborate with the Family Court on how to best meet the needs of our youth to prevent juvenile justice system involvement.

Thank you for the opportunity to provide comments.



HAWAI`I YOUTH SERVICES NETWORK

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Judith F. Clark, Executive
Director

Network Membership

Bay Clinic
Big Brothers Big Sisters Hawai`i
Big Island Substance Abuse
Council
Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Collins Consulting, LLC
Domestic Violence Action Center
EPIC `Ohana, Inc.
Family Programs Hawai`i
Family Support Hawai`i
Friends of the Children's Justice
Center of Maui
Get Ready Hawai`i
Hale Kipa, Inc.
Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network
Hawai`i Health & Harm
Reduction Center
Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kahi Mohala
Kokua Kalihi Valley
Kaua`i Planning and Action
Alliance
Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems
P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED
PFLAG - Kona, Big Island
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana
Residential Youth Services
& Empowerment (RYSE)
Salvation Army Family
Intervention Services
Sex Abuse Treatment Center
Susannah Wesley Community
Center
The Catalyst Group

March 29, 2023

To: Representative David Tarnas, Chair
And members of the Committee on Judiciary and Hawaiian Affairs

TESTIMONY IN SUPPORT OF HCR 72//HR 73 HD 1 URGING THE OFFICE OF YOUTH SERVICES AND DISTRICT FAMILY COURT OF THE FIRST JUDICIAL CIRCUIT TO COLLABORATE IN IDENTIFYING PROCESSES, PROCEDURES, AND STRATEGIES FOR PARTNERING WITH COMMUNITY ORGANIZATIONS TO MAXIMIZE REHABILITATION AND MINIMIZE RECIDIVISM FOR JUVENILE OFFENDERS

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations supports HCR 71/HR 72 HD 1 Urging the Office of Youth Services and District Family Court of the First Judicial Circuit to Collaborate in Identifying Processes, Procedures, and Strategies for Partnering With Community Organizations to Maximize Rehabilitation and Minimize Recidivism for Juvenile Offenders.

It takes a village to raise a child. The only way we can effectively address the issues that lead to disproportionate engagement with the juvenile justice system is to involve stakeholders at all levels within the government, non-profit, faith-based and business sectors and members of the affected communities and populations.

There are multiple existing initiatives that have already reduced the number of incarcerated youth by 82% since 2010. A local multi-agency partnership has recently received a \$10 million dollar Kellogg Foundation grant to continue efforts to create culturally appropriate prevention and early intervention programs. Hawaii Youth Services Network is currently working with Office of Youth Services and multiple organizations statewide on the start-up of the Safe Spaces for Youth Pilot Project, established by the legislature in 2022.

We hope that the Hawaii Legislature will continue to provide financial and other support for these important and effective efforts.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director