

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DAVID Y. IGE, CHAIR**  
**SENATE COMMITTEE ON WAYS AND MEANS**  
**Twenty-Seventh State Legislature**  
**Regular Session of 2014**  
**State of Hawai'i**

April 2, 2014

**RE: H.B. 2490, H.D. 2, S.D. 1; RELATING TO JUVENILE JUSTICE.**

Chair Ige, Vice-Chair Kidani, and members of the Senate Committee on Ways and Means, 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. 2, S.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 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 significant 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. Before changing any policies or procedures to limit the detention of juveniles or admissions to HYCF, the Department strongly believes that additional services and programs are needed for 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, and 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 have appropriated 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 receive specialized services in an environment designed to meet their needs, and many are 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 the intake process (Page 22, Section 8, Subsection (3)(a)), it is unclear why court involvement is necessary. Based on our understanding of existing diversion programs--which divert cases from the juvenile justice system--one of the primary purposes of these programs is to avoid court involvement by diverting juveniles who do not require court intervention, speeding up the process for those juveniles, and easing caseload and calendaring issues for the courts. To add diversion programs to the court's long list of responsibilities seems inapposite to their purpose.

### Probation and parole

Although the concept of "earned discharge" may seem good on its face, it is unclear exactly how this 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 stays with the same juvenile for as long as they are under Family Court jurisdiction, weighing the ins and outs of that juvenile's history, circumstances, personality, and so forth?

The mere fact that an earned discharge program would require all probation be for set terms (as reflected on Page 33, Section 14, Subsection (1)(A)(ii)) is a problem unto itself, eliminating the court's ability to order "probation until further order of the court," and deteriorating the flexibility that our Family Courts were designed to employ. Requiring set terms of probation would only bring the Family Court system more in line with the adult criminal justice system, tying the hands of our Family Court judges. Mandating set terms of probation prohibits judges from immediately ending probation once a juvenile offender has met the terms and conditions of probation and shown sufficient indicia of compliance and/or rehabilitation; moreover, this requires the court to schedule a hearing for every extension of probation, if a juvenile has not complied or progressed as projected. Each additional hearing creates more court congestion, requires that the juvenile be taken out of school, and requires the parent to take time off of work; many families also have transportation challenges. Ultimately, this proposition minimizes the value of each judge's familiarity with the juveniles in their district and their experience in gauging the overall progress, attitude, and rehabilitation of these juveniles.

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. To strictly limit admission to certain types of offenses or scenarios would exclude those who need to be there for their own personal safety and rehabilitation, receiving treatment and/or services. This also limits the Family Court's flexibility to carry out their purpose, which 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, then HYCF may be their only option, due to the current lack of alternative resources or facilities.

With regards to specific factors that HYCF can consider for purposes of parole (page 16, Section 4, subsection (b)), the Department strongly believes this list of considerations must expressly state that this list is **not exhaustive**, to account for the many other factors involved in making such a determination. Moreover, the list should include verification that the juvenile offender has satisfactorily completed all of their assessments and programs, as this is the only way to ensure that some of them receive the treatment and services they need.

Before any measures are taken to divert or release more juvenile offenders back into the community, they must have something **already in place** to go back to, other than 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. 2, S.D. 1. Thank you for this opportunity to testify.



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

April 1, 2014

**TO:** The Honorable David Y. Ige, Chair  
Senate Committee on Ways and Means

**FROM:** David Hipp, Executive Director

**SUBJECT:** **H.B. 2490, HD 2, SD 1 – Relating to Juvenile Justice**

Hearing: Wednesday, April 2, 2014; 9:20 a.m.  
State Capitol, Conference Room 211

**PURPOSE:** The purpose of H.B. 2490, HD 2, SD 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 2, SD 1. On December 13<sup>th</sup>, 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 advisory council to continually improve juvenile justice practice and ensuring accountability.

Section 15 establishes the juvenile justice oversight advisory council. Section 15 (c), page 44, line 10, begins the listing of the membership composition. It is requested that this section be amended to include one additional member – representing Department of Human Services (DHS) as many youth are “crossovers” – having involvement in both DHS and juvenile justice.

Specifically:

- Section 15 (c), page 44, line 10: The advisory council shall be composed of ~~sixteen~~ seventeen members . . . .
- Section 15 (c) (13), page 46, line 3: One member from the department of human services, appointed by the director of the department of human services.

In conjunction with H.B. 2489, HD 2, SD 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.



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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2490, H.D. 2, S.D. 1, RELATING TO JUVENILE JUSTICE.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Wednesday, April 2, 2014

**TIME:** 9:20 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**

(For more information, contact Blair Goto,  
Deputy Attorney General at 587-3050)

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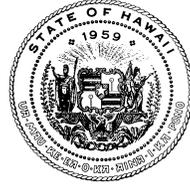
Chair Ige and Members of the Committee:

The Department of the Attorney General supports this bill.

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.

Evidence-based practices are those that have been shown by research to be likely to reduce delinquency and recidivism. Integration of these evidence-based practices into how it supervises, places, and treats youth will allow Hawaii's juvenile justice system 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.

We believe that the bill creates no constitutional or legal problems and respectfully ask the Committee to pass this bill without further amendment.



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

In reply, please refer to:  
File:

**Senate Committee on Ways and Means**

**HB2490, HD2, SD1, Relating to Juvenile Justice**

**Testimony of Linda Rosen, M.D., M.P.H.**  
**Director of Health**

**April 2, 2014, 9:20 a.m., Room 211**

1 **Department's Position:** Support with **RESERVATION** and **AMENDMENT**.

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 Section 3 proposes to establish an interdepartmental cluster. The department respectfully  
14 recommends that Section 3 be stricken and that the Judiciary utilize the existing Chapter 321D  
15 interdepartmental cluster to coordinate services between the judiciary and the child and adolescent

1 mental health division. This interdepartmental cluster, called the HI SYNC (Hawaii Interagency State  
2 Youth Network of Care), is currently in operation and meets regularly to coordinate services for children  
3 with emotional and behavioral challenges. There is active participation by the Judiciary, Office of  
4 Youth Services, Department of Education, Department of Human Services, and the Developmental  
5 Disabilities Division, Early Intervention Section and Child and Adolescent Mental Health Division of  
6 the Department of Health. Establishing a second interdepartmental cluster is unnecessary and  
7 redundant.

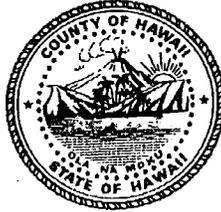
8         Section 13 proposes that youth be referred to the department of health for an eligibility  
9 determination. The department welcomes referrals for mental health and substance abuse evaluation and  
10 treatment, provided additional funding for this population is provided through legislative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

13         Section 15 proposes the establishment of a temporary juvenile justice oversight advisory council,  
14 and specifies that two members of the child and adolescent mental health division of the department of  
15 health serve on the advisory council. The department welcomes participation on the council and will  
16 support the work of the council.

17         We thank you for the opportunity to testify.

MITCHELL D. ROTH  
PROSECUTING ATTORNEY

DALE A. ROSS  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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## OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 2490 HD2 SD1

A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE

COMMITTEE ON WAYS AND MEANS

Sen. David Y. Ige, Chair

Sen. Michelle N. Kidani, Vice Chair

Wednesday, April 2, 9:20 AM  
State Capitol, Conference Room 211

Honorable Chair Ige, Vice Chair Kidani, and Members of the Committee on Ways and Means, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 2490 HD2 SD1.

This measure enhances the juvenile justice system by concentrating secure bed space on serious juvenile offenders. 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. Increases interagency collaboration. Establishes a temporary Juvenile Justice Oversight Advisory Council.

Efforts have to be made to reduce juvenile recidivism and this bill is a necessary investment the State must make. These types of programs will support our most vulnerable and challenged youth and will provide them with the direction and skills they need to develop into strong adults that make positive contributions to our society.

The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of House Bill No. 2490 HD2 SD1. Thank you for the opportunity to testify on this matter.

Respectfully,

Mitchell D. Roth  
Prosecuting Attorney  
County of Hawai'i



EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

**Written Testimony in Support of  
HB 2490 HD2 SD1 Relating to Juvenile Justice**

**SENATE COMMITTEE ON WAYS AND MEANS  
Senator David Ige, Chair  
Senator Michelle Kidani, Vice Chair**

**April 2, 2014  
9:20 a.m. Room 211**

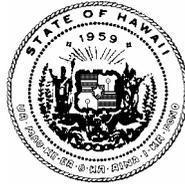
Chair Ige, Vice Chair Kidani and members of the Senate Committee on Ways and Means thank you for scheduling a decision making hearing on HB 2490 HD2 SD1 Relating to Juvenile Justice.

The Office of the Governor submits written testimony in **support** of HB 2490 HD2 SD1 Relating to Juvenile Justice. This legislative proposal is the result of a working group composed 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.

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 HD2 SD1.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

April 2, 2014

**MEMORANDUM**

TO: The Honorable David Y. Ige, Chair  
Senate Committee on Ways and Means

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2490, H.D.2, S.D.1 - RELATING TO JUVENILE JUSTICE**

Hearing: Wednesday, April 2, 2014; 9:20 a.m.  
Conference Room 211, State Capitol

**PURPOSE:** The purpose of this bill is to enhance the juvenile justice system by concentrating secure bed space on serious juvenile offenders; strengthen 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; increase interagency collaboration; and establish a temporary Juvenile Justice Oversight Advisory Council.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports H.B. 2490, H.D. 2, S.D.1, which will institute the system changes recommended by the Hawaii Juvenile Justice Working Group. The Working Group was tasked to make policy recommendations that will move Hawai'i toward a more effective, equitable and efficient juvenile justice system.

These changes are intended to reduce juvenile delinquency recidivism through evidence-based practices and mental health and substance abuse treatment programs.

H.B. 2490, H.D. 2, S.D.1, includes the system changes proposed by the Working Group that will improve our juvenile justice by enhancing services at the “front end” of our juvenile justice system and thereby reducing recidivism.

The DHS respectfully requests that the Department of Human Services be included as a member of the Juvenile Justice Oversight Advisory Council with the member to be appointed by the Director. There are foster children who are involved with both the juvenile justice and child welfare systems and it would be beneficial to have DHS input for the development and coordination of services to support safety, permanency, and well-being for these youth and their families.

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



*The Judiciary, State of Hawai‘i*

**Testimony to**  
**The Senate Committee on Ways and Means**  
The Honorable David Y. Ige, Chair  
The Honorable Michelle N. Kidani, Vice Chair

Wednesday, April 2, 2014, 9:20 AM  
State Capitol, Conference Room 211

By

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

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**Bill No. and Title:** House Bill No. 2490, House Draft 2, Senate Draft 1,  
Relating to Juvenile Justice.

**Purpose:** To improve and enhance Hawaii’s juvenile justice system. (SD1)

**Judiciary's Position:**

The Judiciary strongly supports passage of House Bill No. 2490, House Draft 2, Senate 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).



House Bill No. 2490, House Draft 2, Senate Draft 1, Relating to Juvenile Justice  
Senate Committee on Ways and Means  
Wednesday, April 2, 2014, 9:20 a.m.  
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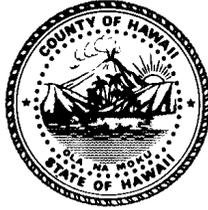
- Recommendation 10: Standardize Criteria for Informal Adjustment (14).
- Recommendation 11: Codify Current Administrative Monitoring Practices (14).
- Recommendation 12: Provide for a Risk and Needs Assessment to Assist Judges in Disposition Decisions (15).
- Recommendation 13: Use Risk and Needs Assessments 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 2, Senate 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 2, Senate Draft 1. Thank you for the opportunity to submit testimony on this bill.

**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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April 2, 2014

The Honorable David Y. Ige, Chair  
and Members of the Senate Committee on  
Ways and Means  
Hawai'i State Capitol  
415 South Beretania Street, Room 211  
Honolulu, Hawai'i 96813

RE: House Bill 2490, HD 2, SD 1 RELATING TO JUVENILE JUSTICE

Aloha, Chair Ige and Committee Members:

Mahalo for the opportunity to offer my strong support of House Bill 2490, HD 2, SD 1 that will enhance the juvenile justice system by among other things, strengthening juvenile probation, enhancing interagency collaboration and establishing a temporary 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



HAWAII SUBSTANCE ABUSE COALITION

## **HB2490 HD2 SD1 RELATING TO JUVENILE JUSTICE**

COMMITTEE ON WAYS AND MEANS: Senator Ige, Chair; Kidani, Vice Chair

- Wednesday, April 2, 2014 at 9:20 a.m.
- Conference Room 211

## **HSAC Supports HB2490 HD2 SD1:**

*Aloha Chair Ige; Vice Chair Kidani; and Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, an organization of more than twenty treatment and prevention agencies across the State.*

**The Hawaii Substance Abuse Coalition fully supports implementation of the recommendations of the Hawaii Juvenile Justice Working Group to strengthen Hawaii's juvenile justice system through the following improvements:**

- Mandating a personalized reentry plan for all youth committed to the HYCF.
- Standardizing probation supervision requirements.
- Promoting use of graduated sanctions and positive incentives such as an earned discharge from probation program to encourage probation compliance.
- Requiring standardized risk/need assessments for all youths prior to disposition.
- Establish a juvenile justice oversight advisory council.
- Implementation of the other recommendations of the Working Group.

HSAC supports increased resources for evidence-based substance abuse and mental health treatment for juvenile offenders. Through increased community assessment and treatment options, juvenile offenders can be redirected into healthy and productive activities resulting in reduced recidivism.

**Passage of House Bill 2490 HD2 SD1 will help to enhance the efficiency of Hawaii's juvenile justice system and directly benefit juvenile offenders and their families.**

We appreciate the opportunity to submit written testimony.

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**COMMITTEE ON WAYS AND MEANS**

Honorable Senator David Y. Ige, Chairperson  
Honorable Senator Michelle N. Kidani, Vice Chairperson  
Tuesday, April 2, 2014  
9:20 p.m.  
Room 211

**STRONG SUPPORT HB 2490, HD2, SD1 and HB 2489. HD2, SD1 - RELATING TO JUVENILE JUSTICE**

We are a long time non-profit incorporated to improve the justice system by increasing civic engagement. We began in 1980 by providing a juvenile diversion pilot in collaboration with the family court of the first circuit. Since then we have designed, provided, evaluated, and published on numerous interventions for youth and adults harmed by crime and social injustice. We are frequently asked to contribute knowledge locally, nationally and internationally by organizations, scholars, practitioners, and students on our restorative justice, public health and solution-focused interventions.

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 remain 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 you 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 showing 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."

Loren Walker was a member of the task force that developed this legislation and is the executive director of Hawai'i Friends of Justice & Civic Education, which she has worked with for over 20 years.

Thank you for your time and efforts serving the public and our community.



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Jaque Kelley-Uyeoka  
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Dori Tyau  
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*Neighbor Island Board Liaison*

April 1, 2014

TO: Committee on Ways and Means  
FROM: Jaque Kelley-Uyeoka, Deputy CEO, Hale Kipa

**RE: SUPPPORT OF HB 2490, HD2, SD1 Relating to Juvenile Justice**

Dear Senators David Ige (Chair) and Michelle Kidani (Vice-Chair),

Thank you for allowing Hale Kipa to testify in support of this bill. Hale Kipa serves many youth who have been arrested and are in the juvenile justice system and, as such, was also fortunate to be a member of the Juvenile Justice Working Group that provided input and direction for a comprehensive report released in December 2013 that led to this legislation.

This group of individuals demonstrated a passion for serving youth, having youth and parents be held accountable, putting policies, procedures and funds in place that will deter youth from juvenile justice involvement and lead successful lives, keeping the community safe and saving the State monies due to less youth incarceration. Strengthening youth and family engagement, reentry practices, probationary procedures and oversight have the great potential of keeping many youth in their communities and not locked away at great expense to Hawaii. Youth at the Hawaii Youth Correctional Facility would be the youth who truly are a danger to the community and they, too, would be afforded more treatment and services.

The Juvenile Justice Working Group also validated the commitment across State agencies to streamline practices, avoid duplication, work together more collaboratively to identify what is needed for the youth and his/her family and do whatever is essential to make it happen! The commitment and identified approaches are refreshing and critically and urgently needed at this time.

It is hoped that you will pass HB 2490, HD2, SD1. Thank you for your time.

Sincerely,

Jaque Kelley-Uyeoka, ACSW  
Deputy CEO, Hale Kipa, Inc.



# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

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

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

March 30, 2014

To: Senator David Ige, Chair  
And members of the Committee on Ways and Means

## Testimony in Support of HB 2490 HD 2 SD 1 Relating to Juvenile Justice

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 2490 HD 2 SD 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.

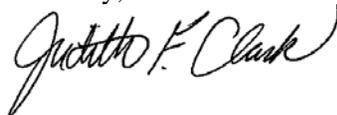
Most juvenile offenders in Hawaii are arrested for non-violent crimes. Half of all arrests are for status offenses, such as running away from home, curfew violation, or truancy from school. These young people are not a danger to the community. Their offenses are often the result of a troubled family 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

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Wednesday, April 2, 2014

9:20 a.m.

Room 211

## SUPPORT FOR HB 2490 HD2, SD1 *-REIMAGINING* JUVENILE JUSTICE

Aloha Chair Ige, Vice Chair Kidani 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 HD2, SD1 enhances the juvenile justice system by concentrating secure bed space on serious juvenile offenders; 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; increases interagency collaboration and establishes a temporary Juvenile Justice Oversight Advisory Council. Effective July 1, 2030. (SD1)

Community Alliance on Prisons supports this measure and respectfully asks that you make the date effective July 1, 2014. We are currently involved in many juvenile initiatives. 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.

This bill must be coupled with HB 2489 HD2, SD1 because without adequate funding, this bill cannot work. Please don't make the mistake that the legislature made when they funded only HYCF and not the array community programs so desperately needed by our youth. We see the evidence of that bad decision and are paying dearly both economically (\$200,000/year per incarcerated youth) and socially (broken families and intergenerational drug abuse).

Community Alliance on Prisons respectfully asks the committee to pass this bill, HB 2490 HD2, SD1 along with an adequately funded HB 2489 HD2, SD1. Mahalo for this opportunity to testify.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [ken.ordenstein@olomea.org](mailto:ken.ordenstein@olomea.org)  
**Subject:** Submitted testimony for HB2490 on Apr 2, 2014 09:20AM  
**Date:** Saturday, March 29, 2014 5:59:43 PM

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**HB2490**

Submitted on: 3/29/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kenneth Ordenstein	Olomea Inc.	Support	No

Comments: Olomea Inc. submits the following testimony in support of H.B. 2490, HD2, SD1 along with its companion measure, H.B. 2489. The population addressed in these measures are our children. With passage of these bills they will receive the support and help they need in their own communities. This gives more options and resources to family court judges to respond appropriately to our children who need help. Again, these options keep our youth in their own communities. The needs these bills address far out strips the resources we currently bring to bear for our children struggling with serious mental health and substance abuse issues. These bills close the gap. The result is improved outcomes for our children and our community. For these reasons we urge passage of these bills. Olomea Inc. is a state of Hawaii domestic non profit corporation. Our mission is to provide all young people leaving foster care the chance to become self sufficient, successful adults. Our interest in H.B. 2490 and its companion bill is youth leaving foster care in addition to the risk factors inherent to their status sometimes have serious mental health and substance abuse issues that need to be addressed through the Juvenile Justice system. Respectfully Submitted, Ken Ordenstein Executive Director Olomea Inc.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [Pauline.Pavao@usw.salvationarmy.org](mailto:Pauline.Pavao@usw.salvationarmy.org)  
**Subject:** Submitted testimony for HB2490 on Apr 2, 2014 09:20AM  
**Date:** Tuesday, April 01, 2014 7:52:16 AM

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**HB2490**

Submitted on: 4/1/2014

Testimony for WAM on Apr 2, 2014 09:20AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pauline Pavao	The Salvation Army-Family Intervention Services	Support	No

Comments: The Salvation Army-Family Intervention Services, with services for our young people on the Big Island and Maui, fully supports HB2490, HD2, SD1. We humbly ask the committee for support and passage of this House Bill in order to further enhance services to our at-risk young teens. Mahalo!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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