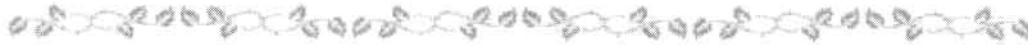


# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY AND LABOR

Sen. Clayton Hee, Chair

Sen. Maile Shimabukuro, Vice Chair

Tuesday, February 5, 2013

10:00 a.m.

Room 016

## SUPPORT FOR SB 61 - INFORMAL ADJUSTMENT FOR JUVENILE WRONGDOING

Aloha Chair Hee, Vice Chair Shimabukuro 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 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.

SB 61 provides the option of participating in a restorative justice program for children who are undergoing informal adjustment by a court or other designated agency, which program may involve the child and the child's parents or guardian meeting with the victim harmed by the child's law violation.

Community Alliance on Prisons is in strong support of this measure.

A recent article<sup>1</sup> in Civil Beat reported:

Native Hawaiian, Pacific Islander and mixed-race youth are disproportionately represented in Hawaii's juvenile justice system, a recent study concludes.

The statewide analysis found that Hawaiian, Samoan and Filipino youth "fare worse than Caucasians at the stages of arrest," a pattern that continues as the young people move through detention, probation and protective services. The problem seems to be related to racism and discrimination and how mixed-race people are treated in society.

The report makes a series of recommendations for improving equality in the juvenile justice system, including calling for greater collaboration among agencies, anti-bias and youth-development training, and better data collection, monitoring and analysis.

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<sup>1</sup> Why So Many Hawaiian, Samoan And Filipino Youth In Justice System?, By Chad Blair 10/24/2012.  
<http://www.civilbeat.com/articles/2012/10/24/17448-why-so-many-hawaiian-samoan-and-filipino-youth-in-justice-system/>

Community Alliance on Prisons is a member of the Disproportionate Minority Contact Committee of the Juvenile Alternatives to Detention Initiative. The final report<sup>2</sup> dated June 2012 states:

Historically there have been various efforts in Hawai'i to build and strengthen restorative juvenile justice programs, but these efforts have been limited by the lack of stable and effective programs across the continuum of care that are available at each decision point in the juvenile justice system. Disproportionate minority contact and the overall number of youth can be reduced by building a comprehensive and collaborative system and by strengthening restorative approaches that focus on healing and growth in ways that are appropriate to the culture and background of especially Native Hawaiian and other Pacific Islander youth.

Recent research underscores the effectiveness of restorative approaches over punitive ones. For example, a meta-analysis of 548 studies published from 1958 through 2002 found that juvenile programs designed to bring about behavior change by facilitating personal healing, growth and development were effective while programs oriented towards instilling discipline through regimen or fear were not. The most effective programs were restorative (e.g. restitution, victim-offender mediation), skill building (e.g. cognitive behavioral techniques, social, academic, vocational skill building), counseling (e.g. group, family, individual counseling and mentoring), and multiple coordinated services (e.g. case management, wrap-around)

Hawai'i must address this issue by using culturally sensitive and evidence-based practices such as restorative justice that can help our youth develop to their fullest potential.

We, therefore, urge the committee to pass this bill.

Mahalo for this opportunity to testify.

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<sup>2</sup> Disproportionate Minority Contact in the Hawai'i Juvenile Justice System, Juvenile Justice State Advisory Council and the State of Hawai'i Office of Youth Services, Karen Umemoto, James Spencer, Tai-an Miao, Saiful Momen, page 106, June 2012.

[http://archive.jan2013.hawaii.gov/dhs/youth/jjsac/DMC%20FINAL%20REPORT%202012%20\(for%20printing\).pdf](http://archive.jan2013.hawaii.gov/dhs/youth/jjsac/DMC%20FINAL%20REPORT%202012%20(for%20printing).pdf)

**hee2 - Kathleen**

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**From:** mailinglist@capitol.hawaii.gov  
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**SB61**

Submitted on: 2/3/2013

Testimony for JDL on Feb 5, 2013 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
christine johnson	Individual	Support	Yes

Comments:

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