
HOUSE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE A WORKING GROUP TO
REEVALUATE THE CURRENT FAMILY COURT JUVENILE JUSTICE MODEL
AND CONSIDER OTHER MODELS THAT PROVIDE MORE ALTERNATIVES TO
INCARCERATION, MORE EFFECTIVELY REHABILITATE JUVENILE
OFFENDERS, AND REDUCE RECIDIVISM.

1 WHEREAS, youth from all backgrounds and communities benefit
2 from a stable and well-rounded upbringing; and

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4 WHEREAS, longitudinal studies of youth from across the
5 world that examine resilience note the importance of building
6 healthy relationships and fostering healthy experiences
7 throughout the tumultuous years of adolescence; and

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9 WHEREAS, adolescence is a period of risk-taking and
10 experimentation, in which youth of all cultural backgrounds
11 explore their place in society, and the decisions made during
12 this stage of life have long-term implications for the health of
13 individuals and our community; and

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15 WHEREAS, risky behavior by youth from at-risk communities
16 has particularly dangerous consequences, including a higher risk
17 of mortality, poverty, chronic health issues, and suicide, and
18 these behaviors may result in incarceration and perpetuate
19 intergenerational trauma; and

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21 WHEREAS, the overrepresentation of youth from the Native
22 Hawaiian community, Pacific Islander communities, and
23 communities of color across Hawaii's criminal justice system
24 reflects intergenerational trauma, cultural dislocation, and
25 risk factors associated with poverty; and

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27 WHEREAS, best practices regarding youth from underserved
28 communities who face negative risk factors and adverse childhood



1 experiences suggest that culturally focused solutions have
2 positive results; and

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4 WHEREAS, the creation and implementation of a criminal
5 justice model that more effectively rehabilitates juvenile
6 offenders would result in significant cost savings and societal
7 benefits; and

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9 WHEREAS, the cost savings and societal benefits include a
10 reduced burden on the county police departments and other
11 agencies that interact with the juvenile justice system, due to
12 a corresponding decrease in recidivism and reduction in the
13 number of juvenile offenders who become adult offenders, and an
14 increase in the number of rehabilitated juvenile offenders who
15 become productive and contributing members of society; now,
16 therefore,

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18 BE IT RESOLVED by the House of Representatives of the
19 Thirty-first Legislature of the State of Hawaii, Regular Session
20 of 2022, the Senate concurring, that the Judiciary is requested
21 to convene a working group to reevaluate the current family
22 court juvenile justice model and consider other models that
23 provide more alternatives to incarceration, more effectively
24 rehabilitate juvenile offenders, and reduce recidivism; and

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26 BE IT FURTHER RESOLVED that the working group comprise the
27 following members:

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29 (1) The senior family court judge of the First Judicial
30 Circuit, or the senior family court judge's designee,
31 who shall serve as chairperson of the working group;
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33 (2) A family court judge from a neighbor island circuit,
34 or a judge from a neighbor island circuit who presides
35 over cases involving juvenile offenders, to be
36 selected by the senior family court judge of the First
37 Judicial Circuit;
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39 (3) A representative from the Department of Human
40 Services, to be selected by the Director of Human
41 Services;
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1 (4) A representative from the Department of Education, to
2 be selected by the Superintendent of Education; and
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4 (5) A representative from the Honolulu Police Department,
5 to be selected by the Chief of the Honolulu Police
6 Department; and
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8 BE IT FURTHER RESOLVED that the working group invite the
9 following persons to participate in the working group:
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11 (1) Two individuals representing the Native Hawaiian
12 community;
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14 (2) Two individuals representing the Micronesian
15 community; and
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17 (3) Representatives from nonprofit organizations that work
18 with youth, such as Kokua Kalihi Valley, Kalihi-Palama
19 Health Center, and the Kauai Resilience Project, in a
20 number to be agreed upon by all members of the working
21 group; and
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23 BE IT FURTHER RESOLVED that the working group study and
24 evaluate the following:
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26 (1) The manner in which youth interact with the State's
27 juvenile justice system;
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29 (2) The current Family Court juvenile justice model and
30 ways to improve the model to provide more alternatives
31 to incarceration, more effectively rehabilitate
32 juvenile offenders, and reduce recidivism;
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34 (3) Research indicating that juvenile offenders who have
35 an interaction with law enforcement officers and
36 appear in court as a result--even once or twice--are
37 much more likely to reoffend because the prior
38 experience had the effect of normalizing the
39 consequences of the juvenile offender's criminal
40 activity;
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- 1 (4) Restorative models of justice used to address juvenile
2 offenders in jurisdictions other than Hawaii;
3 including the model of juvenile justice used in New
4 Zealand under the Oranga Tamariki Act 1989--currently
5 known as the Children, Young Persons, and Their
6 Families (Oranga Tamariki) Legislation Act 2017--and
7 related laws, in which members of the juvenile
8 offender's family and social support networks are
9 heavily integrated into the process, emphasis is
10 placed on the offender's close support relationships,
11 and elements of the criminal justice system are moved
12 into the offender's home and community so as not to
13 normalize the process of going to court or to a
14 correctional facility;
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- 16 (5) Whether and how elements of the models used in New
17 Zealand and other jurisdictions could be applied in
18 Hawaii; and
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- 20 (6) Ways in which law enforcement agencies in Hawaii
21 currently respond to incidents involving juvenile
22 offenders and possible alternative responses,
23 including the utilization of persons having
24 specialized training in interacting with youth, rather
25 than law enforcement officers; and

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27 BE IT FURTHER RESOLVED that members of the working group
28 serve without compensation but be reimbursed for travel and
29 other necessary expenses incurred in the performance of their
30 official duties; and

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32 BE IT FURTHER RESOLVED that no member of the working group
33 be made subject to Chapter 84, Hawaii Revised Statutes, solely
34 because of that member's participation in the working group; and

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36 BE IT FURTHER RESOLVED that the working group submit to the
37 Legislature, no later than twenty days prior to the convening of
38 the Regular Session of 2023, a report of its findings and
39 recommendations, including any proposed legislation; and

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41 BE IT FURTHER RESOLVED that the working group cease to
42 exist on June 30, 2023; and



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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chief Justice,
3 Director of Human Services, Chairperson of the Board of
4 Education, Superintendent of Education, Chief of the Honolulu
5 Police Department, Chief Executive Officer of the Office of
6 Hawaiian Affairs, and Chief Executive Officer of We Are Oceania.

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OFFERED BY:

Soy Gaud

MAR 11 2022

