



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second State Legislature, 2023 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Tuesday, February 7, 2023 at 2:00 p.m.
State Capitol, Conference Room 325 & Videoconference

by:

Jessi L.K. Hall
Judge, District Family Court
Family Court of the First Circuit

Bill No. and Title: House Bill No. 864, Relating to Criminal Justice.

Purpose: Establishes and appropriates moneys for a 4-year Pacific cultural court pilot program in the family court of the first circuit.

Judiciary’s Position:

The Judiciary supports House Bill No. 864.

In Hawai‘i, children of Hawaiian ancestry and other Pacific Island youth are overrepresented in the juvenile justice system. For the fiscal year 2022, statewide, Native Hawaiian and Pacific Island youths accounted for: 48% of the youths who were arrested; 49% of the youths who were referred to Family Court; 50% of the petitions filed in Family Court; and 63% of youths who were placed in our detention facility.

Studies have shown that youth who are connected to their culture and community are more successful and less likely to become involved in the justice system. We envision a cultural court program that will connect at-risk youth to their culture and their community, and in turn reduce their involvement in the justice system.



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The Judiciary appreciates the five year time period to create a cultural court pilot program. Our community, not just the Judiciary, must be involved in the design and implementation of the pilot program in order for it to be successful. This will take some time. It will also take time to develop and expand the court to all of our islands, as the needs of each circuit and the availability of programs vary on each island. The Legislature's recognition, therefore, that the development of the pilot program will take time is wise.

We also appreciate an appropriation, to include a full-time program coordinator, for the pilot program. We would like to point out that in the process of developing and implementing the program we may conclude that additional staff positions and other funding may be required, in which case we may need to request further funding for the program, which would be in addition to the Judiciary's budget request.

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

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on
Judiciary & Hawaiian Affairs**

February 7, 2023

H.B. No. 864: RELATING TO CRIMINAL JUSTICE

Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

The Office of the Public Defender strongly supports the intent of H.B. 864. Culturally inclusive and focused specialty courts focusing on juvenile justice have been developed in other Countries. We acknowledge the Rangatahi Courts and the Pasifika Youth Courts established in New Zealand and their successes with Maori and Pasifika youth. Their models include the incorporation of law, culture, language, and faith in their efforts to lift up youth in distress and youth caught up in the juvenile justice system.

H.B. No. 864 has lofty goals, but we will need additional information to determine how to create a culturally sensitive specialty court, guidelines to follow, available resources, and the setting of specific goals for the court. The Pacific Ocean is vast, and traditional values and cultural practices vary greatly among the different Island groups and Island nations. We have more questions than answers, and we believe that more information, research, data and input from the Native Hawaiian and Pasifika communities are needed. We humbly suggest that the Legislative endorse a working group or a committee to create an inclusive plan with interested stakeholders, so the goals and guidelines are clear.

It should also be noted that the Juvenile Courts on Oahu are actively involved in three additional juvenile Specialty Courts – the Juvenile Drug Court, Girl’s Court, and Truancy Court. How a Pasifika Court would replace or enhance these already existing Specialty Courts is a question that would need to be discussed with the stakeholders.

We also have questions about infrastructure and resources. Unlike the already existing Marae system in New Zealand, with already existing meeting houses that are deeply engrained in Maori communities and their history, we would need to

explore appropriate options for meeting places here in Hawaii. This will involve direct discussions with Pasifika community leaders that are respectful of the wide variety of traditions, communication system, and faith systems that impact Native Hawaiian and Pasifika youth in Hawaii.

In conclusion, we are in strong support of the intent of H.B. No. 864 and would encourage the Legislature to allow time for planning and community resource building prior to the establishment of a Pacific Court pilot program.

Thank you for the opportunity to comment on this measure.



HAWAI`I YOUTH SERVICES NETWORK

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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
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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

February 4, 2023

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

TESTIMONY IN SUPPORT OF HB 864 RELATING TO CRIMINAL JUSTICE

Hawaii Youth Services Network supports HB 864 Relating to Criminal Justice

Hawaiians and Pacific Islanders are overrepresented in all stages of contact with law enforcement and juvenile justice systems from arrest to incarceration.

Efforts to provide culturally sensitive programming have increased access to mental health, substance abuse, shelter, transitional living, and employment preparation services that have reduced the census at the Hawaii Youth Correctional Facility by 82% in a ten-year period.

A culturally appropriate Pacific Court could enhance these efforts and give youth a better chance to avoid future involvement with law enforcement and correctional systems.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director

HB-864

Submitted on: 2/3/2023 10:47:14 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Comments	Written Testimony Only

Comments:

If this specialized court is supported, can we PLEASE get a Domestic Violence Court modeled after the Drug Court created and supported as well? I can promise you fair, just, life-saving and frustration-free results with a Domestic Violence Court in-place.

HB-864

Submitted on: 2/5/2023 1:52:30 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Native Hawaiians, Pacific Islanders, and other people of color are overrepresented in the state’s juvenile justice system. Intergenerational trauma, cultural disconnection, homelessness, and other factors can drive and contribute to juvenile offending. To best address these disparities, reduce recidivism, and maximize rehabilitation, juvenile justice proceedings should be culturally responsive processes that address the social, psychological, emotional, and physical underlying causes of crime.

Establishing a 4-year Pacific cultural court pilot program in the family court of the first circuit makes sense. Such a program would allow family court judges to give at-risk children of Native Hawaiian and Pacific Islander descent the option of participating in an alternative sentencing program that relies on family and community involvement, and culturally responsive approaches, to reduce recidivism.