



## *The Judiciary, State of Hawai‘i*

### **Testimony to the House Committee on Judiciary**

The Hon. Karl Rhoads, Chair  
The Hon. Sharon E. Har, Vice Chair

Thursday, February 6, 2014  
2:00 p.m.  
State Capitol, Conference Room 325

By  
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**Bill No. and Title:** House Bill No. 2489, Relating to Juvenile Justice.

**Purpose:** appropriates funds to DHS/OYS to fund evidence-based practices for mental health, substance abuse, and other strategies in order to reduce recidivism of youth who may otherwise be placed in HYCF.

### **Judiciary's Position:**

The Judiciary strongly supports passage of House Bill No. 2489 appropriating funds to the Department of Human Services/Office of Youth Services to fund evidence-based practices for mental health, substance abuse, and other strategies in order to reduce recidivism of youth who may otherwise be placed at the Hawaii Youth Correctional Facility (HYCF).

The Hawaii Juvenile Justice Working Group was established in August of 2013 by Governor Neil Abercrombie, Chief Justice Mark Recktenwald, Senate President Donna Mercado Kim, and House Speaker Joseph Souki. The mission of the Working Group was “to develop policy recommendations that will accelerate reductions in the state’s use of secure beds for lower-level juvenile offenders while protecting public safety and increasing positive outcomes for youth, families, and communities. The Working Group was charged with analyzing Hawaii’s data, policies, and practices; reviewing research on evidence-based principles and national best practices; and recommending policies that will move Hawaii toward a more effective, equitable and efficient juvenile justice system (2).” The Working Group’s Final Report was completed on December 13, 2013.



This bill addresses a number of the Working Group's recommendations, including:

- Recommendation 1: Focus HYCF Beds on More Serious Youth
- Recommendation 2: Reinvest the Savings in Local Alternatives
- Recommendation 3: Provide Funding for Critical Treatment and Services in Communities
- Recommendation 4: Refocus Efforts on Substance Abuse Needs
- Recommendation 17: Create Graduated Sanctions and Incentives for Probated Youth
- Recommendation 18: Invest in Proven Practices to Reduce Reoffending.

The Final Report contains the good news that both arrests and admissions to the Hawaii Youth Corrections Facility (HYCF) have significantly decreased in the past decade. However, many serious challenges remain and, while the state has made strides in establishing a continuum of services, the current profile of youth in HYCF, including many non-serious offenders and youth with little juvenile justice contact, is evidence of the need for sustained and increasingly significant improvements to this continuum. Besides the more obvious advantages relative to public safety and effective rehabilitation, in-community services make fiscal sense. "State leaders across the nation have recognized that combining a more focused use of secure facilities with a continuum of services for youth can result in less recidivism, more rehabilitation of youth, and lower costs for taxpayers (4)."

The Working Group's close review and analysis of the available data yielded very specific conclusions, which will hopefully be extremely useful as lawmakers reach decisions regarding appropriations.

The Working Group's recommendations, taken together, are projected to accelerate current trends, reducing the HYCF average daily population by at least 60 percent by 2019. These shifts in resources will allow the closure of the Ho'okipa Makai cottage during the 2015 fiscal year, and in total are projected to save Hawaii taxpayers at least \$11 million over the next five fiscal years. The Working Group recommends that the state make targeted reinvestments – estimated at \$2 million per year – of these anticipated savings to strengthen juvenile probation and reduce recidivism. Some policy recommendations will require the rededication of existing staff time, while some require the use of reinvested funds. In either case, an investment now will produce significant returns for the foreseeable future in the form of reduced reoffending and more youth set on a path to productive, law-abiding lives (10-11).



At its core, probation provides critical in-community supervision that supports and sustains adjudicated youth in the community and out of secure facilities. Every child who is successful at probation is a child who is not in a secure facility.

Similar to HYCF, the number of youth placed on probation has also declined. However, that number has not decreased at a rate that matches the decrease in arrests. Also, the length that youth spend on probation has significantly increased, while the types of offenses have remained stable. A key finding of the Final Report is: “Overwhelmingly, juvenile justice system stakeholders provided information to the Working Group about the lack of a continuum of interventions for juvenile offenders and difficulty accessing the services that do exist (9).”

Two of the Working Group’s recommendations are particularly relevant to this bill. The findings related to these two recommendations are of such importance and such relevance to this bill that they are extensively quoted here:

#### Recommendation 3: Provide Funding for Critical Treatment and Services in Communities

The Working Group found that the overwhelming majority of all arrests of juveniles in Hawaii are for minor, non-violent offenses and status offenses. Stakeholders report that, often, the underlying causes of these offenses include family dysfunction, trauma, and substance abuse, which can go woefully unaddressed due to a lack of available services. The Working Group believes that these arrests often multiply and lead to the inappropriate and excessive involvement in the juvenile justice system.

The Working Group recommends that services to address these mental health and social issues be increased and addressed statewide, and that the necessary funding be allocated through one of the child-serving agencies, to meet the myriad of mental health and social needs that our at-risk youth and their families struggle with on a daily basis. The Working Group also finds a stated need from stakeholders for secure mental health treatment, and recommends support for this need.

#### Recommendation 4: Refocus Efforts on Substance Abuse Needs

The heavy toll from substance abuse issues found in many juvenile justice system-involved youth and their families is a significant burden. Working Group members estimated that 80 percent of youth involved in the Hawaii juvenile justice system suffer from substance abuse.



Abuse, dependence, and addictions are serious challenges for Hawaii, and if left untreated in our juvenile populations, it could lead to joblessness, homelessness, increasing rates of delinquency and criminality, and additional prison beds. These outcomes could create significant costs that consume an inordinate percentage of our spending.

The Working Group found that a common denominator in many delinquent acts is substance abuse, making the dearth in available services all the more troubling. The Working Group recommends that resources be allocated to address substance abuse in Hawaii's four counties, including both residential and outpatient services (12).

HB 2489 is practically based on the Final Reports conclusion that: "Every dollar spent on secure confinement is a dollar Hawaii could otherwise use to build the fully-resourced, evidence-based continuum of supervision and services for delinquent youth that was envisioned during the creation of the Office of Youth Services (OYS) in 1989 (1)." The bill contains an appropriations formula that provides incentive to both the DHS/OYS and the family court to apply evidence-based practices primed to prevent HYCF placements and to maximize utilizing in-community, local alternatives.

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. 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. 2489.

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