



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

NATIVE HAWAIIAN JUSTICE TASK FORCE

DATE: June 5, 2012

TIME: 2:00 p.m. – 4:00 p.m.

PLACE: Library, Office of Hawaiian Affairs
711 Kapi`olani Boulevard Suite 500
Honolulu, HI 96813

MINUTES

I. Call to order

Attending:

Michael F. Broderick, Chair (President, CEO YMCA of Honolulu) (Public member)

Dr. Kamana`opono Crabbe, OHA

RaeDeen Karasuda, Senior Research Associate, Kamehameha Schools (Criminologist member)

Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu

Paul Perrone, Chief of Research & Statistics, Department of the Attorney General

Jack Tonaki, Public Defender

Honorable Richard K. Perkins, 1st Circuit Court Judge

Martha Torney, Deputy Director of Administration, Public Safety

Cheryl Marlow, Adult Client Services Branch Administrator

Jeff Kent, OHA Staff

II. Phone Conference with Professor John MacDonald

Professor John MacDonald teleconferenced in and discussed the OHA report: Disparate Treatment of Native Hawaiians in the Criminal Justice System with the Task Force.

He felt that the limitation of the report appears to be its methodological rigor. Regardless, there are disparities at the different stages of the justice system. He felt that is most meaningful to not just account for disparities, but potential explanations and when adjusting for criminal history, seriousness of offense, and where are the disparities particularly stark.

He noted that no methodology will totally explain any disparity but you can get a better idea of the cause with a more rigorous methodology, data, and a better context for interpreting the results. He would want to look at background factors like who's arrested more and where policing is done.

The Task Force discussed report deadlines, obtaining a range of recommendations from Professor MacDonald based on timeline, analysis level, and cost.

Professor MacDonald-More money spent doesn't always mean an easy answer. He suggested a pilot phase approach as a way to be more careful with resources. When designing a project it is in part determined by data availability, how that data is integrated, and what data is needed.

Paul Perrone-Based on the timeline the Professor would be planning what studies could be done in the future.

Michael Broderick-What would it take to hire Professor MacDonald?

Kamana'o Crabbe-The Professor would have to go through OHA's procurement process. Jeff Kent can help with that. Estimates that it would take about one month to process.

Paul Perrone-Asked about time frame. Are we looking at August or September?

RaeDeen Karasuda-What points of the system do you think we should focus on? In what areas do we need more data? How can we ensure that the methodology is practical and used? Would you build on the OHA report?

Professor MacDonald-He would start with the OHA report, look at areas for improvement and expansion, and survey people on decision points to get the info needed on variables and background info in order to do a quality job that can be worked with. At this point, he can't tell where the disparate impact happens and needs more variables beyond seriousness of charge.

Paul Perrone-Looking at the Report regression tables. There is a need to go beyond offense severity. They're so different and they were lumped together and that seemed more of a factor than race difference.

Kamana'o Crabbe-We also need to recognize two critical areas: access and compilation of the data has some inherent systemic barriers. There would need to be policy changes for continuity of collecting race data between institutions

RaeDeen Karasuda-Agreed and pointed out that access to data has been a source of concern. Worried that lack of access will limit ability to create policy changes.

Michael Broderick-Envisions for the Task Force report a work product from Professor MacDonald identifying data needs and a methodology, not doing a full study.

Kamana‘o Crabbe-Wants the systemic barrier to data identified along with the quality of data available.

Professor MacDonald-Identifying the specific statues and policies might be beyond his scope. He would also want 3rd party review. There are efficiency advantages like most data being in Honolulu. There would also need to be some discussion of the context and scope of what is to be reviewed.

Paul Perrone-I don't see this project we are hiring for going so far as to identifying specific gaps or policies regarding data.

Professor MacDonald-Agreed, noting that reviewing data would be a phase 2 effort.

Tricia Nakamatsu-We need to be strong on scope, what are we looking for?

Michael Broderick-It would be great to identify what we need as a task force to the legislature and see what they will commit to. As Professor MacDonald develops the standards the scope will appear.

III. Introduction of new member Martha Torney

Martha Torney is the Department of Public Safety appointee to the Task Force and replaces Joe Booker. Martha has been working in corrections since 1969 and is PSD's Deputy Director of Administration.

IV. Approval of minutes

Minutes were approved with a correction to a typo on page 2 in paragraph that starts with "Jack Tonaki" changing "issue ~~de~~ of disproportionate representation"

V. Sub-Committee reports

a. Data

The Task Force indicated that it would like to move forward with procurement and would keep the data sub-committee informed on the research parts of the communication.

Martha Torney-Factors to look at should include dropped charges and decisions to not prosecute.

b. Alternatives to incarceration

The group met on 5/10. Judge Perkins said that they need an inventory of programs, what works, what doesn't and what's failing.

Tricia Nakamatsu-Suggests looking at a drug court model, or treatment model that is culturally modeled to serving Native Hawaiians better. Sees a need for more intensive residential programs.

Jack Tonaki-There is some progress here because the Justice Reinvestment initiative allows for second probation instead of mandatory sentencing.

Michael Broderick-As part of the Task Force report it should cover what JRI did and what was not passed that could have addressed the issues.

Martha Torney-We got a lot of victim support for some of the JRI issues, the earlier parole legislation can still be implemented through paroling policy. Increase in parole members from 3 to 5 will help because more frequent parole hearings will lead to more inmates being processed. Also looking at other ways for Public Safety to work better with the Paroling Authority. Also wanted to touch on reentry and avoid recidivism. Look at providers like Alu Like and check with Darin Kawazoe, Public Safety's reentry coordinator.

c. Training

There's an interest in providing bias training for judges and more trauma informed care (TIC) training.

Cheryl-I'm working with Judiciary education department to get bias training on their agenda. Working with Office for Equality and Access to the Courts to develop the outline. By year end we should be able to report if that can be achieved.

Cheryl-I inventoried staff about TIC. At probation/parole level all officers received the training when Eva Kishimoto delivered the training. Would like to get new staff trained and maybe a booster for those already trained.

Kamana'o Crabbe-Went over targeting TIC for treatment of female Native Hawaiians, worked with Pu'a foundation to develop an assessment tool of what caused trauma. Provided training for those working in the facility and broader community. Looking at expanding training beyond females to males and juveniles too.

VI. Justice Summit Planning

Jeff Kent reported that the Summit was ready to be held on June 7-8 at the Hawai'i State Capitol.

VII. Public Comment

None.

VIII. Next Steps

Meeting on July 10, 2012 from 2-4pm at OHA library.