



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

NATIVE HAWAIIAN JUSTICE TASK FORCE

DATE: February 7, 2012
TIME: 2:00 p.m. - 3:30 p.m.
PLACE: Library, Office of Hawaiian Affairs
711 Kapi`olani Boulevard Suite 500
Honolulu, HI 96813

MINUTES

I. General information

Attending:

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

Jack Tonaki, Public Defender

Honorable Richard K. Perkins, 1st Circuit Court Judge

Joe Booker, Deputy Director, Public Safety

Dr. Kamana`opono Crabbe, OHA

Cheryl Marlow, Adult Client Services Branch Administrator

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

RaeDeen Karasuda, Ph.D., Criminologist member selected by the Governor. Her work here is not representative or associated with her position at Kamehameha Schools Bishop Estate

Jeff Kent, OHA Public Policy Advocate III

Excused

Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu

Public in attendance included

Bob Merse

Kat Brady

Representative Faye Hanohano

Kaliko Chun

OHA staff

II. Approval of minutes

Minutes from 11/29/11 meeting need to be updated regarding statutory purpose and some minor technical amendments before approval. With the changes, the minutes were approved.

III. Discussion of name of task force

Task Force agreed to rename task force to The Native Hawaiian Justice Task Force.

IV. Discussion of inventory of existing programs/services

Jeff Kent is still working on this. Nothing to report yet.

V. Presentation by Hawaii Appleseed Center for Law and Economic Justice (LEJ) on disciplinary actions against students.

Item was taken out of order because guest speaker Jenny Lee from LEJ was present.

LEJ shared some of the preliminary findings it had made:

LEJ was tracking data from 2009-2011 on disciplinary action in public schools. They noticed that in schools with high Native Hawaiian populations, 20-30% of students faced some sort of disciplinary action. This is problematic because this could be a school to prison pipeline issue. They weren't able to track each individual student due to confidentiality reasons. The discipline did not correlate to the schools' student population poverty level. Suspensions tended to be for behavioral reasons, not for violence.

Possible solutions could include:

Better behavioral interventions like study hall

Earlier notification of parents

Charter schools don't have the same issues. Review their models.

LEJ is looking into DOE's discipline policies. Would like to find out what the best practices are.

Paul Perrone asked if they had case level data.

LEJ said that DOE does not keep that data.

The Task Force will not make any recommendations at this time, but appreciated the LEJ report.

VI. Discussion of racial bias studies

Example: [Does Unconscious Racial Bias Affect Trial Judges?](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1374497)

Jeff gave a quick recap on a study related to issues the task force could be looking at. The study gave a test on unconscious racial bias to trial judges using a computer program. It would be difficult to implement here and the results were not very

clear. Essentially, beyond the study, there wasn't a clear next step that the task force could apply here.

The LEJ discussion, and this study lead to a larger discussion on value of data.

Paul Perrone had grave concerns and was severely critical about the methodology of OHA's study. Paul presented John MacDonald's (a graduate student at the time) 2003 article *The Effect of Ethnicity on Juvenile Court Decision Making in Hawaii* as an example of the established methodology used for this type of research.

Other members disagreed with Paul's statements. These members believe the researchers used the best data that was available, that the study did meet industry standards and covered what everyone in the law enforcement knows already. Paul disagreed that the best available data was used.

Moving forward, the group should focus on what they have to do as required by Act 170 and be the best use of resources. Paul said that despite the serious concerns he has with the study's methodology, he is willing to look closer at the recommendations.

VII. Recap of Justice Reinvestment Initiative and legislative proposals.

<http://justicereinvestment.org/states/hawaii/pubmaps-hi>

HB2514

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2514

HB2515

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2515

SB2776

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2776

SB2777

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2777

Task force was briefed on some of the JRI changes including
2nd chance on drug possession charges
Reduction in some probation from 5 to 3 years
Diverting more low risk inmates away from supervision and focusing on higher risk
Providing supervision for those that max out
Faster bail on O`ahu
Increased support for victim services

Better data sharing

VIII. Legislative updates

Discussion was rolled into JRI discussion.

IX. Public Comments

Kat Brady suggested the following:

Task Force look into racial impact statements

Make materials easier to access on OHA website

Choose a chair

Change name of link on website to something more positive

Community outreach on education rights might be effective too

X. Adjournment

Prior to closing the task force elected Mike Broderick as chair.

Next meeting to be in April, the 1st Tuesday from 2-4pm.

Potentially have presentations from JDAI, Ho`omau Ke Ola for next meeting.

Meet with practitioners on cultural strategies.

Plan for a bigger community meeting.