

Introducing the International Symposium on Girls in Conflict with the Law with Remarks on Hong Kong

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Speakers:

John Kamm, Dui Hua Founder & Executive Director

Joshua Nederhood, Dui Hua Programs & Development Officer

Patricia Lee, Managing Attorney for the Juvenile Division of the San Francisco Public
Defender's Office

Anna Wu, Honorary Fellow and Professor at the University of Hong Kong

- Beginning of Recording -

Joshua Nederhood:

Good evening, everyone on the West Coast here and good morning people in Asia who are joining us. My name is Joshua Nederhood. I am the Development and Programs Officer at the Dui Hua Foundation. Before I pass things over to our Executive Director John Kamm, I would just like to briefly explain the format of today's event.

We will hear 10-to-15 minute presentations from John and then our fellow partners you can see in the videos, Anna Wu and Patricia Lee. Then our panelists will answer questions that you can be submitting via the Q&A window at any time—there should be a button at the bottom of your screen that says Q&A. Please note that we are recording the remarks today including panelists' responses to your questions. So keep that in mind. You can submit questions anonymously if you'd prefer your name not to be mentioned. Without further ado, I'm going to be transferring things to John now.

John Kamm:

Well, hello. Welcome to this second in a series of webinars that together make up the International Symposium on Girls in Conflict with the Law. I'd like to first of all recognize members of Dui Hui on the staff, Joshua, Samy Amanatullah, and Joy Henry. Joy is our project coordinator. Among other things that she's done, she has designed the banner that you see on your screen right now.

So let's move ahead with the slides. Joshua slides, please. Good. Okay. Now, I want to say thank you to those who have made this possible with generous financial support. First of all, the Canada Fund for Local Initiatives managed out of the Canadian embassy in Beijing, the Ministry of Foreign Affairs of the Netherlands through their embassy in Beijing, and two family groups here in the Bay Area, the Alice Lam Memorial Fund and Mark Headley and

Christina Pehl. Now, these are all dedicated grants, that is to say the funds are used exclusively for this event. In addition, we have drawn support not only from the foundation Special Development Fund, but from the governments of Switzerland and Denmark, the Swedish International Development Cooperation Agency, Sida, and the Norwegian Ministry of Foreign Affairs. Thank you all for your generous support.

I've been involved with China as a businessman and human rights campaigner since 1972. I am the founder and chairman of the Dui Hua Foundation. After I speak, Anna Wu will speak. She is an honorary professor at the University of Hong Kong. And she has had a distinguished career in public service in Hong Kong. She's chaired the Equal Opportunities Commission, and the Competition Commission as well. And finally, we have Patricia Lee, Managing Attorney of the Juvenile Unit of the San Francisco Public Defender's Office. She's been practicing in the juvenile court since 1981 and is a widely acknowledged expert on girls in conflict with the law.

Next, what are the goals of the symposium? Well, first of all, raise awareness of the crisis. I don't use that term lightly. Crisis. The Cambridge International Dictionary defines crisis as a serious and increasingly dangerous situation. We're used to hearing about various crises. We have the refugee crisis, the climate crisis, crises around the world and different hotspots.

But we almost never hear about this crisis, which is hiding in plain sight, the crisis of girls in conflict with the law. And that's what we're going to be dealing with at this symposium. And so the first goal is to raise awareness. Secondly, we're going to exchange and talk about best practices. Just as an example today, you will hear from Anna Wu about efforts that she has been leading for many years to establish a child's commission in Hong Kong. And, of course, from Patricia, we will hear about this extraordinary effort, probably the first of its kind in the United States, to close the Juvenile Detention Center, she will be devoting her presentation to this extraordinary decision. And finally, of course, we want to make recommendations to governments and other institutions on how to deal with this crisis.

Right, next slide. The United Nations Global Study on Children Deprived of Liberty was first broached in the UN General Assembly at the end of 2014. In 2016, Manfred Nowak a distinguished scholar and human rights personage, formerly the rapporteur on torture for the UN was invited to head this study up. This is a study that surveys conditions of children in more than 100 countries. And I'd like to just stress, one of the things that Professor Nowak wrote for this symposium. He will be presenting down the line on January 14, but we'll look at that again soon. Professor Nowak says that even though numbers of number of girls are much less represented in detention centers than boys, across all regions, there is an increase in girls in detention centers. Okay, next, here are a couple of examples.

In the United States, arrests of girls have risen 45% from 1993 to 2013. Meanwhile, in China, the second largest economy—the US being first—girls, convicted by Chinese courts, rose more than 10% during the same period. Now again, we're comparing apples and oranges here. On the one hand, we're talking about arrests, the others, we're talking about convictions and trials. But here's this statistic here. And by the way, I'm drawing on a

presentation by Rights4Girls, an outstanding presentation, which I recommend to you, by Attorney Clarence Hopkins and Youth Advocacy Coordinator Rebecca Burney.

Girls of color make up 62% of incarcerated girls in the United States despite being only 22% of the youth population. And that's an extraordinary number. And I do believe it speaks to the situation of systemic racism in the United States. Next.

So they're uniquely vulnerable when you compare and again, these are numbers that have been compiled by Rights4Girls. Compared to boys, girls in the juvenile justice system are, first of all, more likely to have suffered emotional and physical abuse, more than four times as likely to have suffered sexual abuse and 22% experienced in the seven days prior to incarceration. They're more likely to live in a household with substance abuse, drugs and alcohol. And finally, this is a shocker, more likely to live in households with mental illness. Around 20% of girls themselves are suicidal when they enter the juvenile justice system.

Next. So how did we get here? Well, I don't want to read all of this. But let's say that at the end of 2017, we've we finished up with an exchange with China's Supreme People's Court. Shortly thereafter, I went to Beijing and ascertained interest on the part of the Supreme Court in doing a symposium focused exclusively on girls.

In 2018, we identified partners, the ones I've already listed: Patricia Lee, Penal Reform International. I'm sorry, I should have listed them there on the opening slide, Penal Reform International, Patricia Lee, and the University of Hong Kong School of Law and Sociology Department. We identified possible participants. So we came up with a grouping of about 25 expert presenters from around the world, representing North America, Europe, Africa, Asia, Middle East, and 25 participants, all of whom will be presenting during the symposium.

In 2019 we applied for and received the grants from Canada and the Netherlands. And we've also secured the funding I talked about. And we began working on a bibliography which is now available and which we will be offering to you all and put it online in our website. The original idea was to stage the symposium as an in-person event in April and April 2020, this year in Hong Kong.

Next, however, unfortunately, civil unrest in Hong Kong prompted us to reschedule and relocate to November 2020, in San Francisco. Unfortunately, again, COVID-19 intervened and civil unrest in San Francisco following the tragic killing of George Floyd forced us to reschedule to March of 2020. Again, though, due to the escalating situation with respect to COVID, which you may know is really raging in the United States, we decided to go virtual and hold the very first webinar on October the 27.

Now, at this point, I'd like to say that one of the great challenges, of course, in doing this, with so many participants from different areas in different time zones, is it's simply impossible to get every time zone involved with every symposium with every event. So what we decided to do was to dedicate the first two symposia to our partners, every partner will have something to say. The hub will be in San Francisco.

So the last one, we had participation in Europe and Africa. And for this one, we're doing Asia. And in each of these symposia, in addition to hearing from the partners about their own work and background, there will be a special focus. So last time, we heard from our Penal Reform International partner Taghreed Jaber on girls in conflict in the Middle East, and Africa. Again, these events, these kinds of topics, have not been covered sufficiently. Later this month, we will put our dedicated website online. And we are aiming to complete the webinars by mid-March, after which we will be following up with reports and with publications. And hopefully by then, we can do some in person meetings as well.

That's the follow up. So here we are. So our next webinar will be on November 18, 9:30 in the morning in San Francisco, and we'll be hearing from experts on pathways into and out of offending for girls. How and why do girls come into conflict with the law? And how do they transition out of that? How do they emerge from that traumatic experience of being incarcerated?

And then again, we go to Africa in the Middle East. We have international perspectives involving experts from Europe and Hawaii, juvenile incarceration alternatives, and that'll be moderated by Judge Leonard Edwards, a recognized expert in this subject. Then we will have the view from Hong Kong and Guangzhou. We're very pleased that we have experts from both cities. And then a very special treat, we will be having Richard Ross present on the Girls-in-Justice photography project. And you can see one of his very moving photos. And earlier you saw one as well on your screen. February 15, we are going to look at how Indigenous girls and youth are treated in Canada. On February 23, we will devote that session to sex trafficking. And then we have two more symposia that we hope we can schedule soon. So with that, Joshua, let's turn this over to Anna Wu. Anna, thank you for participating.

Anna Wu:

Thank you very much. Well, firstly, thank you very much for making me part of this webinar. As you know, we've had a lot of protests in Hong Kong, starting with two or three actually. But the 2019 protests, which continued through to 2020 were finally eclipsed by COVID-19. And those put our young people in Hong Kong, literally front and center. In 2003, we had massive protests in Hong Kong breaking out over the security laws, then proposed under our basic law, the Hong Kong mini-constitution, Article 23. This was followed by more protests in more recent years.

In 2012, we had protests over national education for schools 2014, we had the Umbrella Movement or these yellow umbrellas that you recall, on the method of choosing Hong Kong's chief executive. Then we were into 2016, we had what was dubbed the Fishbowl Revolution, over a hawkers eviction over Chinese New Year. Then, of course, 2019 arrived and protests unleashed over the bill for extradition of offenders to mainland China. Our chief executive eventually withdrew that bill in September of 2019. The protesters actually made five demands for the withdrawal of the bill, for a commission of inquiry, retraction of the characterization of the protests as riots and amnesty for those arrested, and resignation of our chief executive. These are very big items.

The protests reflected, of course, very deep societal conflicts and discontent, and involved many, many of our young people. And underlying these protests were differences over identity, ideology, and uncertainty over the future, both on an individual front and on a societal basis. The 2020 National Security Law was promulgated by Beijing for Hong Kong. And that came into effect on first July 2020.

The protests diminished after that, but the national security related charges increased after that as well. By the end of 2020, we had a figure of about 10,000, protests, arrests aged between 11 and 84, that was a spread. 40% of those arrested were students and about 18% were under 18. So you could see that a lot of high school and in fact, some primary school students were involved.

The male to female ratio, interestingly, of those arrested was approximately three to one. That would be of course, far higher for female arrestees as compared to normal offenses. I put it normal in quotes. Let me give you a snapshot of some of these related cases starting backwards year 2020. We had, for instance, a 17-year-old student sentenced to jail for two years and eight months for carrying three petrol bombs. And three young people, one boy and two girls aged 14 to 15, were arrested for unlawful assembly and property damage.

Then in May, we had large events, nearly 100 children amongst the 396 arrested, aged between 12 to 17. And they were arrested over a national anthem and security law demonstrations. So the list goes on. We had for instance, in May, again, two teenage journalists taken away during singing protests at malls. They were singing in shopping malls, and we have huge shopping malls. Of these two, one was a 13-year-old boy led away by police with others. This boy led away was later released accompanied by his mother, but at issue was whether a social worker should be allowed to accompany him at the same event. We also had a 16-year-old girl who was taken away and her guardian later took her home.

Then in year 2019, again, going from the end of the year, we had a girl of 13, sentenced to 12 months' probation for burning the Chinese flag at a protest, and in November, a huge event occurred, and we had 1,377 arrested in connection with the siege of a university in Hong Kong. And 318 of those were below 18 years of age, students. These were actually not arrested then. I need to make that clear. 318 below 18 students were escorted out of the university by principals of schools under arrangements made with our special police crisis negotiators.

Now the judiciary has also become collateral damage to these deep divisions in society. Magistrates imposing sentences considered lenient were personally attacked. Our chief justice issued a statement not that long ago pointing out that the courts must handle these cases in accordance with law and not reflect any political view or position.

Now sentencing concerns, of course, are subject to appeal, and they should be addressed within the court system. And in fact, we do have sentencing review on appeal to the court of appeal. I give you two examples which interested me when I was going through these cases. In October 2020, the Court of Appeal actually ordered a girl student of 16 to serve 120 hours of community service, subject to a curfew and also subject to educational and training activities.

This replaced the original probation order. The offense was possession of raw materials for making petrol bombs. She wanted apparently to make bombs for fun and to test them. She pleaded guilty and was remorseful. Another case, this time a 15-year-old boy also on appeal. This was September 2020, and the Court of Appeal gave the 15-year-old boy a sentence in a detention center.

Setting aside the original sentence of probation, he admitted throwing three petrol bombs to express discontent with government and to test his homemade explosives. He also pleaded guilty to arson and possession. Now these cases point to the need to help our young offenders to understand the consequences of their actions. The Court hears representations from both sides every time before sentencing. It has a range of options going from determined on one side to rehabilitative on the other. And it also has various light options, such as unconditional or conditional discharge, suspended sentence care or protection orders, probation, or community service orders.

These are actually under our juvenile ordinance. The prosecution can also offer light options, like no evidence or bind over to allow the young offenders to avoid conviction. The prosecution can also offer lesser charges. We have a scheme within the police force called the police superintendence discretion scheme. Police officers may at their discretion caution young offenders instead of initiating criminal prosecution.

Interestingly, we also have a law which allows a person's criminal record to be expunged under certain conditions. This is of course of limited application. It's what we generally described as spent conviction records. Last year, amnesty for very young, vulnerable offenders and individual police officers on an individual basis, a non-institutional basis, were floated for public discussion. And the objective then was to look at whether or not short-term peace could lead to dialogues for longer term solutions. Because we have huge conflicts, massive scale, and these would only become worse if we were to allow them to fester. Now this did not happen.

The chief executive of Hong Kong actually has power to provide pardons and to commute sentences. However, I don't expect her to exercise those powers. In these cases, we now face a very long pipeline in our justice system, arising from these arrests and a very lengthy and challenging process of reintegrating these young offenders with our community. I think we really need to look for new approaches, both within and outside the criminal justice system, to build a community. Now, one consideration is to refocus on restorative and re-integrative approaches to the criminal justice system.

This, of course, is not new. It is important that we design programs, which are fluid and transformative and gender sensitive. We do have to factor in these issues. I think we need to incorporate into the program dialogues notions of justice and injustice, and on disparities and differences. And we need to be sensitive to the causes of conflicts. We really have to dive deep into these issues to try to restore order and to restore human relations. And of course, we mustn't forget that the 2019 protests came because of a widely perceived law as a problem for us to have. That law was the extradition law.

The objective of course for reintegration is to restore human relationship and to rebuild a community, so we need to focus on that. A case which I worked on when I was chairing the Equal Opportunities Commission, related to the giving of an apology as a remedy for a victim of discrimination: the offender refused to provide the apology on the ground that it was against his conscience. He said it will be hypocritical. The final Court of Appeal did not actually order an apology to be given for the reasons of that case but did provide a way to induce human interaction.

And this is a very interesting case, the court ingenuously proposed a choice for an offender to show respect and heal a wound with an apology or pay more heavily for the hurt inflicted. This was a year 2001 case. We now have charges on the colonial-era laws for remarks regarded as seditious, such as "liberate Hong Kong, revolution of our times," "five demands, not one less," "defend the police force." Now these are slogans that I have heard chanted by young people over and over again. The use of social media by young persons in Hong Kong to spread political calls, slogans, and inviting others to join in activities are really very worrying.

Quite recently, we had a case involving three male and one female students, aged 16 to 21, arrested for violating the national security law. And it was announced on an online platform that a new group for the establishment of a Hong Kong nation would be started on the line between what is political consent, political dissent, and political accountability on the one hand, and sedition and secession on the other is now thrust upon the court to determine. Now we have the Covenant on the Rights of a Child and Convention for the Elimination of All Forms of Discrimination against Women. CRC in one case, CEDAW the other applying to Hong Kong. CRC recognizes, of course, the rights of the child to different types of freedoms. But CRC is not entrenched by Hong Kong domestic law and is not itself directly enforceable in court.

The girl child, interestingly, is really at the cross section of both the CRC and CEDAW and in fact requires the repeal of all penal provisions which constitute discrimination against women. A news photo in September of this year that showed a male officer tackling a 12-year-old girl, pinning her to the ground, generated a lot of anger. And he was pinning the girl with his knee. We have from the University of Hong Kong Lindsay Ernst and Karen Laidler and from the City University Eric Chiu on a later webinar, and I understand that they will be talking more about girls in conflict with the law.

Prior to 1997, I proposed the creation of a Children's Commissioner, I would like to renew this call. Having this office would provide more coherent effectuation on the covenant for children. Minors, we must remember girls and boys, do not have full capacity to act on their own and can get very lost in the system. Now many young, some very young, offenders in Hong Kong today are affected by offenses which are rooted in politics, and a dedicated commissioner can provide a voice for children and act as first responders in cases of crises and as guardians representative or in...court when necessary. So lastly, I think we need to revisit the age of criminal responsibility currently attend. So thank you very much.

Patricia Lee:

Thank you, and now that was wonderful hearing all about what is happening in Hong Kong. And so for those who may have joined late I am Patti Lee, the managing attorney of the public defender's office in San Francisco. Thank you for attending. Good morning, and good evening to all of you. I want to thank Dui Hua and the partners for allowing this incredible symposium to take place.

And I'd like to start right now with what is happening in San Francisco. So in San Francisco, if we could move to the next slide, we have our juvenile hall here. And you can see that our juvenile hall, on the upper right corner does look like a new and shiny prison. And in the lower left-hand corner, it is very similar to the adult institutions that we have throughout the nation. The rooms are similar to many of the detention facilities throughout California, we have 58 counties. And I will tell you, the experience is the same for all children stepping foot into a carceral institution as a result of the work that has occurred, can we go to the next slide.

San Francisco, in June of 2019, passed an ordinance by our Board of Supervisors, requiring San Francisco to close the juvenile hall by December 31. And you're not hearing this wrong: December 31, 2021. Next year, and it's to expand community-based alternatives to detention and provide a rehabilitative non-institutional place or places of detention in the location or locations approved by the court. And so I have been very involved in this legislation.

And it is a result of much research and news articles going on throughout the nation, but certainly locally, where the cost of incarceration is sky high. So in San Francisco, when we first started looking at the facility and looking at the costs per year of housing a youth, it was \$274,000 per year. It is now \$370,000 per year.

And we started off with a facility, which is currently up to 150 beds. Today as we speak, we are down to 13 youths. We are averaging anywhere from 12 to 15 youths at the most post – COVID, so I wanted to address the chronology of what happened with our legislation because I want to also talk about possible replication and best practices. San Francisco is the first large metropolitan area to close their juvenile hall. I do believe, as John stated earlier, we are the first in the nation to close our juvenile detention facility. So all eyes and ears are on San Francisco, and we have received inquiries from various states and also from local jurisdictions of the work that is ongoing.

As part of the legislation, we were required to establish a workgroup. We did have one face-to-face meeting, and there was an election of the chair, and I am now very privileged to be the chair of this workgroup. It has taken a lot of web work, a lot of sweat, a lot of effort on the part of many, many folks.

We are a population in San Francisco of 881,000 individuals, and of that population 13.4% are youth under 18. We have a smaller percentage of youth than any other major metropolitan area in the US. Currently, the total youth in the entire juvenile justice probation system is approximately 450 youths, and those are youths at all their various stages of probation, whether they are in custody, out of custody, or on diversion.

I will say that the data that John presented regarding girls increasing proportionally in the juvenile justice system has continued to grow. Currently of the 450 youths in the juvenile system, 26% of those are girls who are active in the probation system. And the ordinance was easier to pass and to be conceptualized by our Board of Supervisors not only because of the cost of incarceration, and the dwindling numbers of youth entering the juvenile justice system, not only in San Francisco, but across the nation. It has dropped by more than 50 to 60%. And San Francisco is unique. We are a city and county of San Francisco.

We are truly only a temporary house of detention. We hold youth only pre-adjudication and pre-sentence, so the youth are only held there until they are sentenced by the courts, either to probation at home, or to group home placement, or to youth prison. Other jurisdictions in the nation or California, and this is fairly common, will commit youth to their detention facilities like we do an adult court where we will have a sentence of one year [in] county jail, so that is much more difficult to close down that type of facility. But for San Francisco, because we are only a temporary holding facility, our Board of Supervisors by a vote of 10 to one voted to close down the juvenile hall, and so we held our first meeting, and we established our subcommittees which are required under the legislation.

And then as the world turned as we are all confronting each other virtually, we experienced COVID on March 16. We shut down the city. We are still shut down. And our meetings have gone virtual. Our work has really stalled. It has been a very difficult process. We do have consultants, however, we are moving forward aggressively. We want to meet our deadline. So we have focused now almost exclusively at looking at real estate possibly so that we can talk about what top programs we want to have in any place of detention. We do want it home-like. I don't even want to call it a facility. We're calling it a campus or a home.

And so in June and July, we have now established our subcommittees. We have had homework assignments. And we have meetings coming up. We have listening sessions with our stakeholders, we are going into the community, we are doing listening sessions with judges, with community partners with the youth and with the families because we want to hear the voices of everyone involved so that we can create a system where we have a light footprint into that juvenile hall. So if we can go to the next slide.

So the subcommittee. If you hope to replicate something similar that work we do in San Francisco, we established a data and needs assessment committee. Based on COVID, pre-COVID, and post-COVID, pre-COVID, we were running anywhere from 35 to 40 youth on any given day in custody. Post-COVID, we are running anywhere from 10 to 12 or 15 youth. For a period of time, we had no girls in custody. So that has been the silver lining, post-COVID. And as part of our work in the subcommittees in data and needs, we have found that a majority of the youth are detained for technical violations, warrants, and nonviolent offenses. Technical violations are for youth who may be violating their curfew, not attending school, or using drugs. It's generally non-criminal behavior. And the greatest proportion of detention for technical violations are what we call the warrants 602s. Those are kids that are brought in on new offenses. But I have to say that post-COVID, we have seen an incremental drop in arrests for criminal offenses because youth are sheltering in place. When they are in school with each other, this is where we see the incidence of crimes arise.

Despite numeric reductions, we have significant racial and ethnic disparity, I will say for the past several months, I keep track of the ethnic, ethnic makeup of the youth. And for girls 100% youth of color. Generally, for our boys, I would say 100% of youth of color. And even though the girls comprise a smaller percentage of the population of youth in the entire justice system and youth in custody, they present with very, very serious behavioral mental health issues. suicidality, PTSD. We know that once the odds of the tension in juvenile hall, once referred to probation, it is increasing. Proportionally youth detained for less serious reasons has increased during Covid. And so we're looking at that data as well. And if we could go to the next slide.

This is an important subcommittee that we developed, so the programs and mental health subcommittee in looking and evaluating what top programs exist that work with youth and families in the community. In our juvenile hall we found that we're blessed with riches. This city believes and invest in families and youth. We have 42 programs serving incarcerated youth. And we have 30 programs [that] work with both out and in custody. We have 32 programs for youth in custody, serving right now anywhere from 12 to 15 youths. Going on to the next subcommittee, reinvestment in policy, you can see a lot of money is being spent on youth in custody with programs going in. And this includes agencies of the Department of Public Health, the Unified School District, our children's commission, our juvenile probation department. \$24 million, we have learned, is spent on our juvenile hall per year. That is a lot of money that can be reinvested into the community.

And our charge is looking at creating a smaller home, like a nurturing house of detention for youth that need to be detained, but only those youth that need to be detained, and then reinvesting that money back into the communities, the schools, and the families so that hopefully we reduce the impact of being in the juvenile justice system and creating alternative programs, which Anna somewhat touched on, of restorative justice and diversion.

Now, one of the most important committees that we have, of course, is the Facilities Committee. And we are charged with creating a home-like center. So we have done virtual tours in Philadelphia. And we're looking at other tours throughout the nation to see what exists. And so we have looked at staff secure facilities. Hopefully, we will be visiting secure facilities in Missouri that provide a home-life environment for youth that need to be detained. So obviously, the considerations are the physical plant, the location, location is a big issue. In one of the listening sessions that we conducted, community folks were saying that they did not want a detention facility in their community where the youth are arrested. And they mentioned safety issues.

When we had a virtual listening session just the other day with a nonprofit that runs staff secure facility, they intentionally created the facility in the neighborhoods from which the kids reside and where the offenses take place because they had more of an impact in working with the families. We have to address union issues, security levels, space function. And what I want to provide to you was that the facilities subcommittee had identified some issues that we really need to look at. And that is, what does it look like to have a home for the most restrictive environment? And what does it look like to have a home for the least restrictive environment? And who are the youth that really need to be detained?

And having looked at the girl population for four years and seeing what has happened, post-COVID, I am coming to the conclusion that we really do not need to detain the girls. We have been able to divert them. We have a girl shelter. We have been able to divert them to child welfare. And we have been able to create other programs that are more humane and reduce the trauma of incarceration. So if we could go to the next slide.

And this is what was developed by our facilities subcommittee, they have looked at the data, and they're looking at possibly having a home for no more than 30 youth. It should be a non-correctional setting. It should be a therapeutic environment. It should have home-like living units. In other words, bright colors, paintings, pillows, couches, non-institutional beds that you saw in the earlier photograph that are not concrete slabs with a metal toilet next to the use head, adequate space and equipment for programming and for individual counseling and actually for family counseling as well. We want to make certain that we have outdoor and recreational space for the youth. And obviously kitchen and dining, the staff should be trained and positive youth development. And it should be incentive-based. We are also hoping to have work programs, culinary programs, possibly carpentry programs so that we engage the youth while they are there. And if we can move to the next side.

So our next steps. Obviously, we're in San Francisco. Real estate is very, very expensive. We have to look at not only the neighborhood, but the cost of any type of facility. And what is really significant right now is engaging our judicial officers because, ultimately, they have to approve any alternative to detention that is created through this legislation. So we are doing outreach to the judges, I have provided status report updates to the judges. I have sleepless nights right now knowing that we're only a year away from closing the door to our juvenile hall and having an alternative that our judges approve, and that would be approved by our Board of Supervisors.

So in 2021, I am hoping that we have closed down juvenile hall. And I hope that we come to the realization that we don't need to lock up as many kids as we have in the past, and particularly for girls who are traumatized and have their very own high needs, that they can be diverted to other systems. And if we have to have a carceral facility for the girls, that it'd be for no more than five and for very, very short term. And so I'd like to close with that. I'm hoping that you can join me in December 2021, when we close down our juvenile hall, so thank you.

Joshua Nederhood:

Thank you so much, Patti. Thank you, as well to John and Anna, I would like to invite the couple dozen of you in the audience to send in your questions now that you have for the panelists, and we'll take a few minutes to answer them. Patti, starting with you, we've had one that came in, you mentioned part of the incentive for closing the juvenile hall is just the massively increased cost of incarceration. We had a question wondering, what if you know the cost difference between incarcerating an adult female versus a juvenile female?

Patricia Lee:

I don't have that. But I know it is appreciably more for children because of the programs that are required by the juvenile justice system. Okay, but for a day of lockup for youth in our juvenile hall right now, it's at least \$1,400 a day. Wow. And where it's, I think, according to data, it's \$11,000 a year for a senior in high school. So you can imagine the huge amounts that are being expended in incarcerating youth that we know guarantees that they're going to go into the adult system. With every day of incarceration based on research, we know that when youth are incarcerated, they are more likely to move into the adult system. Wow.

Joshua Nederhood:

Have you received pushback against closing these facilities?

Patricia Lee:

Yes, we have received a lot of pushback from closing for the facility, some of it from the African American community in San Francisco because they feel that it's really that it is necessary to have time out and to have the youth do some time in custody so that they can realize that that that is not a place that they want to be. Other pushback has actually come from our mayor, who was not in favor of closing the juvenile hall. But I think that if you really drill down on the legislation, we are required to create a detention home, and we just want to ensure that it is smaller and that it reduces the trauma for any youth that has to step foot in that lockup.

Joshua Nederhood:

Alright, just a couple more minutes. Audience members feel free to submit a few more questions. I had the privilege to help you Anna, Patti rehearse yesterday and I know you sparked some discussion among yourselves about what exchanging best practices between cities like Hong Kong and San Francisco would be like. Panelists, do you have any questions for each other at this point on each other's presentations?

Anna Wu:

I just asked Patti, you must have done something sounding out with parents, families of offenders. How did they react to the new proposals?

Patricia Lee:

We have parents and youth on our committees, and they have expressed very strong voices of impacted families and youth that have actually gone through this system, that they want to shut it down. They actually do not want to build another detention facility, they feel that the money should be redirected into their communities, into the schools, into behavioral health, and, frankly, back into the families to provide jobs and counseling and opportunities for the youth in the communities in which they reside. They have expressed very strongly that they feel the system is broken. And oftentimes it leads to recidivism and leads to a state of despair. So we will be conducting listening sessions with parents and families that have been impacted by the system. And with youth that have been justice-involved. Thanks.

Joshua Nederhood:

And we have a question from the audience for you asking about maybe comparing similarities and differences and maybe any overlapping governmental structures between Hong Kong and mainland China when it comes to interacting with girls in conflict with the law?

Anna Wu:

Firstly, it is a good question, but a very difficult one, both technically and otherwise. The systems in Hong Kong and the systems on the mainland are quite different and quite apart. And so in the context of Hong Kong, we are so-called autonomous, it's separate. And that's consistent with the basic law of one country, two systems. So it's difficult for me to make that kind of comparison.

But I would love to be able to look at the societal, the emotional, and the counseling aspects of many of these issues relating to girls and boys really, because there must be similar issues that we can draw upon. What is the family contacts? What can families help out with? What can the community help out with, with young offenders in particular. I looked at the protests in Hong Kong for 2019 for particular reason because these were extraordinary times. And we had huge numbers of very young persons being involved in protest movements. And therefore, any rehab programs and reintegration programs will need a lot of tinkering and refinement to help us to get to the reintegrated stage.

John Kamm:

Let me say just a few words about this chair. I'm fascinated by Anna's bringing up the question of criminal responsibility, the age for responsibility. In Hong Kong, it's presently 10. In China, it's 14. However, there is a big debate going on in China to actually lower that age. And it's really an important debate. It's going on now. One of the things we have found in our research is that the percentage of juveniles made up by girls has been sharply rising in China, it's percentage has doubled in recent years. So finally, I would say on this subject, we are very fortunate that we will have a webinar devoted exclusively to the question of Hong Kong and mainland China. We have one of China's leading experts on juvenile justice. Professor Zhang Hongwei will be joining us with experts from Hong Kong on January 29. So that is not to be missed. I'm sure the participants will take away a great deal from that. That's all I would say on this.

Anna Wu:

Can I just clarify that we started with seven, as the age of criminality? We moved into 10 in the early 2000 years. And I think we need to consider moving that upward. In particular, particularly when I look at the ages of those who were affected in the 2019 protests. The youngest one arrested then was 11.

Patricia Lee:

California just changed our minimum age of jurisdiction to age 12. I would have preferred it being age 13. And I know in our prior exchanges with China, what we learned was that at age 14 even children that were charged with murder were not prosecuted through the criminal justice system. Very, very different from the United States.

Joshua Nederhood:

All right. Well, it looks like our audience is still with us. So, Anna, let's just direct one more to you. Let me try to phrase this here. You mentioned that rehabilitation should be emphasized, but they're wondering about with the new national security law, if exactly how rehabilitation works, will have to be tinkered with, as you mentioned earlier, if things that weren't crimes prior to the passage of the National Security Law, how maybe rehabilitation will have to deal with that?

Anna Wu:

Well, firstly, it is a new law. Secondly, many of these cases are now going through the process of court. So we don't actually have one real case on sentencing as yet. But in terms of our own law in Hong Kong, if you're 13, and 14, you cannot be imprisoned. If you are above that, but below 16, you should only be imprisoned if that is the last option. In other words, there are no alternatives. But despite what the law says, we also have provisions for lenient treatment. And we need to look at young offenders from the context of how we reintegrate them. And that's the reason for many jurisdictions looking at restorative justice, because, eventually, these young offenders grow up. And we need to reintegrate them rather than losing them. We now have large numbers that are affected by protest-related issues. So we need to involve both them and the community on how to reintegrate them into the community in a useful way.

And some of the things that we need to focus on are really to look at the causes of the protests, and therefore, to look at the mindsets of these kids, girls and boys. We need to look at what their sense of justice and injustice is, and what consequences of the law that they should bear. And we also need to look at the disparities and the ideological differences that have come about because these are much bigger conflict issues that we do have to resolve on a wider basis.

And that's one aspect that I'm quite distressed with because I don't really know how in the future we can capture all those issues into the restorative justice system. As part of the process, we know about the theory, we know about some of the causes and some of the reasons and we know why, for instance, that we need to look at them. But we don't have a protocol that actually captures all of this at this point. And I'm hoping that the officials involved could devise administrative measures to deal with some of these. First, we can look at, for instance, rehab programs. What can we put in? So that's where we are at. We don't have real answers coming through as yet because the law is new. And we actually have not yet had a case on things that are related to the National Security Law, for instance, going all the way to completion of trial. And after that sentencing.

Joshua Nederhood:

Thank you very much for that answer. And thank you, Patti and John, as well for your excellent presentations. Thank you, audience for your questions as well. I apologize. We didn't get to all of them, I think but you can always send any open inquiries to DuiHua@DuiHua.org. As a reminder, this is the second of 12 upcoming webinars over the next few months. So we'll be sending information along to you shortly about how to join the next ones. Again, there's one coming up next Wednesday about pathways into and out of offending for girls. So again, stay tuned to your emails and to Dui Hua's website about news for how to join these future events. We greatly appreciate all of you joining us today and we look forward to seeing you in future events. With that, I think we'll conclude.