



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
707 Richards Street, Suite 525
Honolulu, Hawaii 96813

**JUVENILE JUSTICE STATE ADVISORY COUNCIL
MEETING**

LIEUTENANT GOVERNOR'S
OFFICE

June 26, 2015

10:00 a.m. to 1:00 p.m.

Department of Transportation, Airport Conference Room # 4
400 Rodgers Boulevard, 7th Floor Inter-island Parking structure, Honolulu, Hawaii 96819

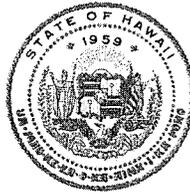
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AGENDA

- I. **Call to Order**
- II. **Review Juvenile Justice State Advisory Council (JJSAC)
March 27, 2015 Minutes** Attachment A
- III. **Office of Youth Services (OYS) Executive Director's Briefing**
- IV. **Juvenile Justice State Advisory Council (JJSAC)**
 - A. CJJ 2015 Annual Conference – June 10-13, 2015
 - B. Subcommittee Reports
 1. Compliance Committee
 - (a) 2014 State Compliance Monitoring Report Attachment B
 - (b) Connecticut Police Youth Development Training Report
 - (c) Sheriff's Training Report
 - (d) PREA Update
 - (e) Rural Exception – Hawaii County Incident
 2. Ethnic, Cultural Diversity & Youth Committee
 3. Prevention & Accountability Committee
- V. **Grants Management**
 - A. Reauthorization
 - B. 3-Year Comprehensive Plan Report
- VI. **Announcements**
- VII. **Next Tentative Meetings**

Friday, September 11, 2015 – JJSAC Executive Committee Meeting
Friday, September 25, 2015 – JJSAC Quarterly Meeting
- VIII. **Adjournment**

The meeting is open to the press and public. For more information, contact Leimomi Fernandes-Otake, Juvenile Justice Administrative Assistant at (808) 587-5700.



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10:00 a.m. to 1:00 p.m.

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MINUTES

- Present:** Jay Kimura, Chair
Marsha Yamada, 1st Vice Chair
Melinda Montgomery, 2nd Vice Chair, Prevention & Accountability Committee Chair
Judge Aley Auna Jr.
Elizabeth Browning
Judge (ret.) William Fernandez
Sterling Lee - Unexpected Emergency
Tai-An Miao, Ethnic, Cultural Diversity & Youth Committee Chair
Captain J Pedro
Ronald Nakamichi, Compliance Committee Chair
- Absent:** Christina Andersson-Reichert - Excused
Patricia Niibu - Excused
Kristina Maugelei-Nardo
Laverne Moore - Excused
Vanessa Pulido
Elijah Spriggs-Kahalewai
- Staff:** Ed Chargualaf, Juvenile Justice Program Coordinator
Merton Chinen, OYS Program Development Officer
Leimomi Fernandes-Otake, JJ Administrative Assistant

I. Call to Order

Chair Kimura called meeting to order at 10:10 a.m.

**II. Review Juvenile Justice State Advisory Council (JJSAC)
March 27, 2015 Minutes**

Attachment A

Chair tabled approval of the March 27, 2015 minutes because of no quorum.

III. Office of Youth Services (OYS) Executive Director's Briefing

Ed Chargualaf introduced Merton Chinen, who is sitting in for David Hipp. Chinen summarized Hipp's briefing. Implementing Act 201 with the courts and ensuring the components are carried out. Working on a Needs Assessment Tool and requesting AG exemption for sole source to secure YAZI in Canada.

Continue to address graduated sanctions. Begun professional development with the 1st training at HYCF to give staff basic tools to move from punitive punishment and held the first graduation on May 15. HYCF numbers continue to decrease, less than 50 for FY 2015, and 20% of the commitment are age 18 and above. Mark Patterson working with staff on HYCF sustainable plans from raising cattle, agriculture planting and to develop youth skills to sell the products. Ongoing partner with CAMD and a \$500K MOA for ineligible youth to get services; heavily used by probation officers. Partnering with DOE on the school transformation federal grant; to connect with the community and get to the grassroots with the families. Legislation past Act 126 in May to allow savings from HYCF to be reallocated to fund community services. The state budget to be released on July 1 with a 10% restriction; advised providers of the reduction. Hipp announced last day is August 31.

Chargualaf also announced Alice Cheung resigned in March and to replace the vacancy.

IV. Juvenile Justice State Advisory Council (JJSAC)

A. CJJ 2015 Annual Conference - June 10-13, 2015

Chair commented on the JJS award to Ed Chargualaf, out of 56 states/territories; disseminated the award brochure. Noted Hawaii is in the spotlight because of the talk about DMC; especially after the issue of the Missouri shootings. Nationally realize it is legally illegal to discriminate, yet communities are still segregated and see the effects of the disproportionate arrests.

Tai-An Miao reported Chargualaf made request to OJJDP to offer DMC TTA to determine how to approach our data and how to be more effective; waiting for response. Reported interested in a council for school discipline, training of schools staff and SROs to deescalate situations; a lot is due to kids acting out because of mental health. The Division of Individual Justice Plan laid out situations that trigger the behavior and linked to diagnosis. Chair reported major emphasis on the School-to Prison Pipeline and homelessness; runaways leave because of family issues. Education is still the key to keep kids on track.

Chinen reported Hipp testified at the State Board and got the committee to buy in to the School-to-Prison Pipeline versus suspending students; keep the youth in school. The School Transformation Grant is to help staff become more mindful. Attended the Trauma Informed Care Meeting which should be offered in the schools.

Chargualaf advised of an agreement 2-3 years ago with OJJDP and DOE. An example is the Waianae Intermediate School working with kids to attend the afterschool program if missed more than 20 to 40 school days. One girl missed 97 days, but with the program, she had perfect attendance in the 2nd quarter; trying to return her into regular school. Another student stays home to care for sick father during the day; but can attend school at 3:00 p.m.; so making accommodations to return to school. Currently working with 17 kids and hired 2 education assistants. Programs like this are a result of the principals.

Chargualaf highlighted the DOE program in West Hawaii Area Complex with 3 school programs working with kids on conflict resolution, peer mediation and Life Plan Curriculum. The program is offered to the 9th and 10th graders and tracking their transition.

Chargualaf confirmed the need to work with principals and highlighted the Kauai High School Alternative Program which began with a 45 suspension. The program reduced the suspension to 3, but the new principal did not want program.

Chair discussed the CJJ Conference barriers for juveniles to expunge their records; because when apply for jobs, college and the military, asked if ever been arrested. Also referenced the national concern of shackling of kids for transfer to detention facilities.

Chair reviewed the predatory philosophy affecting laws; often forget juveniles are only kids and not adults. Briefed on new California law if do the crime, do the time; can automatically file at an adult trial and sent to the adult facility. Cited a runaway staying with an older guy, who feed and housed the youth. However, when the youth wanted to leave, forced to do a robbery and got 13 years in an adult prison at the age of 13, even with no priors; came out a basket case. Often solitarily confinement used to protect kids in adult prisons, but causes major psychological damage. Trying to change laws for kids because the brain is still developing and punishment for adults should not apply to kids. Oregon has a similar law; 3 strikes out and 2 strikes for certain crimes trialed as an adult. Oregon allows the youth to stay in the juvenile system, and then move to the adult facility; a whole section of the adult facility for kids sentenced for 20-30 years.

Chair reported met with Congress members except Representative Takai at Hill Day. All were receptive, understanding of funding and the JJDP Act. The Senate is responsive of the Act and funding. Although the House wants to cut the money. Title II funding is to be all prevention; Hawaii DOH and OYS already have prevention types programs. Underage drinking continues to be a major problem and the resurge of ice back into the community.

Chargualaf added Congress was very good and paid attention, especially the staff assistants. Noted the Prevention & Accountability Committee to keep Congress educated. Reported Senate reintroduction of the Reauthorization, but at the same time, the House wants to defund Juvenile Justice appropriations. Mentioned the Youth Summit is July 21.

Eliza Browning concerned about the issue of still sentencing juveniles to life in prison without parole in Hawaii. The law now is that a juvenile can apply for parole after 42-45 years served; currently 4-5 juveniles serving life sentences in Hawaii. Mentioned wrote a Bill for one youth, but the Bill died. Also noted a similar phrase Bill that passed, but the Supreme Court ruled unconstitutional when sentenced at the time. Chair reported outlawed execution of juveniles and life without parole. Marsha Yamada noted if at the age of 15 or 16, also waived if committed a murder. Chargualaf reported some states are rising the age to 17 from 16 and also status offense ends at age 18.

Chair reported starting January 2016, cigarettes and e-cigarettes legal age is 21 and it is a crime. Judge Auna reported never prosecuted or had a case for a youth smoking cigarettes. Yamada also reported no cases on Maui either.

B. Subcommittee Reports

1. Compliance Committee

(a) 2014 State Compliance Monitoring Report

Attachment B

Ronald Nakamichi reported John Paekukui submitted the Compliance Monitoring Report with the committee's approval via a new reporting tool online. Noted only 4 violations and highlighted the violations. One violation for a runaway held in secure custody in Oahu; the officer was unaware of the federal regulations. Paekukui completed an in-service training for the location. The other 3 violations were for holding the juvenile for more than the allotted 6 hours. One case, the Detective asked a judge for permission to hold the juvenile beyond the 6 hours because didn't complete the investigation for a serious case. After review, Paekukui could not locate the judge granting the approval; assume the

decision from a per diem judge. Judge Auna inquired why the police officer would even ask a judge for an extension and there must have been some kind of connection to the case. Nakamichi noted Paekukui offered trainings for the police stations to address the violations.

Nakamichi reported Paekukui continues trainings for Police Department Recruits and Stripes, because they are now responsible for the desk. The Big Island always ask for trainings, but not Maui or Kauai because they do their own trainings; both do not have violation problems.

(b) Connecticut Police Youth Development Training

Nakamichi reported completed the Connecticut Police Youth Development (CPYD) Training. The next step is to update the CPYD training video to fit Hawaii. Chargualaf made contact with Olelo to work with local kids for the video and to change the photos on the CPYD flash drives.

(c) Sheriff Training

Nakamichi reported completed statewide Sheriff's 1 day training on how juveniles act or react to being held overnight; required juvenile training for the Rural Exception. Sheriffs appreciated the training and an eye opener as to why kids behave and do certain things. A sheriff did not know needed to check on the kids often. The next step is to issue training certificates to show the federal the sheriffs are trained.

(d) Prison Rape Elimination Act (PREA) Update

Chargualaf reported working with Richard Mello, PREA Coordinator for HYCF, because of the 5% annual penalty to the Title II funding. Implemented 15 policies and procedures to align with the PREA Training. The HYCF Training Academy referenced by Chinen changed from 40 hours to 160 hours which includes the PREA overview and standards for new and seasoned staff; now aware of PREA compliance. HYCF consulting with the union to establish in-take orientation unit; educational videos for the kids on how to report sex assault or abuse, and posting posters. Noted it is critical to include the parents in the PREA introduction. By next August, can request an audit by certified auditors to become in compliance with PREA. Working on mock audits of HYCF, from the documentations to sex abuse cases, as to who provides the counseling and addressing LBGT by announcement if a transgender.

(e) Rural Exception – Hawaii County Incident

Nakamichi reported a Big Island juvenile wanted by HYCF was stopped, but the police officer did not make an arrest because know the family; did not want the juvenile to get another arrest on record. The officer took kid to the sheriffs, but refused to accept the juvenile because does not have a MOA with HYCF and not a Big Island kid. Sheriffs do not have funds to hold the juvenile for expenses incurred for food, medication, slippers, clothing and etc. The officer let the kid go without an arrest and told the kid will pick up the next day to turn over to HYCF.

The fact that the sheriff refused to hold the juvenile is an issue; met with the sheriffs and judiciary; found out the other islands, Maui and Kauai do not have problems with holding HYCF because have agreements. The Big Island Sheriffs tried reaching out to the former HYCF Warden, Al Carpenter to do an agreement. Paekukui drafted a MOA for Hipp to complete and to include the other islands to follow the same regulations. Noted Hipp willingness to reimburse all expenses to the Big Island Sheriffs.

2. Ethnic, Cultural Diversity & Youth Committee

Miao talked with Carol Matsuoka to have the DMC Committee on JDAI and to try to merge members from the Ho`opono Mamo planning process; because the program launched.

Captain Pedro reported Ho`opono Mamo is up to 100 cases for the CCI Program and noted the parent response are very positive; especially with the repeat offenders, who are taking advantage of the provided services. Miao reported the May 26 meeting with HPD and Susannah Wesley, noted the majority are runaways and some repeaters. How the program is successful for recidivism is different for runaways. Shared diverting 1st time misdemeanors and some status offenders are already off even if had a prior or serious offense. Looking at the safety issues and asking for input. A lot of cross cultural and bi-lingual; 10 Chuukese of the 100. Anticipate more this summer, but steady as of last week. JJC numbers are going up and seeing more arrests.

Chargualaf reported Wayde Lee opened on May 2, received 1st session and will take a break because of the church June camp. The 2nd session is referrals from the Assessment Center. Working on criteria and parents need to agree to work on the relationship. Chargualaf wanted the Assessment Center and JJC to report to the community partners. Conducting a separate evaluation by Karen Umemoto and Tai Miao to give the preliminary report; hope to schedule in mid-August. Chargualaf suggested SAG to attend the partnership meeting. Judge Fernandez inquired when Ho`opono Mamo will be in Kauai. Chair responded at Hill Day, the Kauai Mayor precedent their meetings and talked about Kauai's Healing Center. Chargualaf responded the Kauai Mayor and other folks will visit the Assessment Center next week.

Miao noted will report Youth Committee updates later and Browning is working on project tools. Dexter Artienda starts grad school in fall. Chair commented nation effort to get youth involved in SAG.

3. Prevention & Accountability Committee

Melinda Montgomery reported met on June 3 and discussed the committee's role. The committee is moving in a new direction to create an evaluation of funded programs and to establish a tool kit to identify good programs. Also to monitor legislation to alert the SAG of policies affecting OYS and to better engage with leaders. Updating the PA Committee section of the By-laws to make it more current and relevant. Dr. Meripa Godinet will present the Juvenile Justice Crime Analysis.

Yamada inquired if youth programs funded include Safehouses. Chinen responded awarded the Safehouse to the Big Island, which will be contracted with a different organization in October. OYS providing statewide outreach and advocacy services to families and youth; whether part of the system or without services. Montgomery reported Hale Kipa's outreach see kids up to age 21; addresses the age 18 to 21 gap by providing independent skills. Hale Kipa is now accredited, 9 graduated in first class and 9 going to junior college. Chair suggested posting the statewide awards on the 808 Youth Directory.

V. Grants Management

A. Reauthorization

Chargualaf reported a lot of Reauthorization activity with 2 Bills: S. 1169, a bipartisan introduction on April 30. At the same time, whistle blowers of the internal OJJDP mismanagement, because of states out of compliance awarded funds. Senator Chuck Grassley (R-IA) and Senator Sheldon Whitehouse (D-RI) introduced S. 299 on September 14, even with the OJJDP issues. The bill would strengthen the JJDPA's core protection for youth involved in the jjs.

The House introduced a reauthorization bill, H.R. 2728 by Representative Bobby Scott (D-VA) and co-sponsored by Reps. Karen Bass (D-CA), Cedric Richmond (D-LA), Sheila Jackson Lee (D-TX), and Tony Cardenas (D-CA) on June 11. The bill would reauthorize JJDPA and amend in provisions that are currently found in the Youth PROMISE Act.

On June 11, the full Senate approved appropriation of \$65.5M for Title II, which in the past was \$55M.

On June 11, the full Senate approved appropriation of \$65.5M for Title II, which in the past was \$55M. Also decided to recommend \$40M for Title V, which provides funding for community prevention programs. At the same time, the House on June 3 passed an appropriation bill for no funding to Title II or Title V. However, the President wants to restore the funding for all grants; JABG, Title V and Title II. Chargualaf reported Representatives Tulsi Gabbard and Mark Takai, voted against the House to defund. The Senate is happy to support reauthorization and full funding appropriations. The House and Senate to compromise the funding level, but the President wants to restore funding back to the 2002 levels, as well as the Senate.

B. 3-Year Comprehensive Plan Report

Chargualaf submitted the first half of the 3-Year Comprehensive Plan Report on June 8. The Compliance section to be reported on July 15: Paekukui to complete the 3 Core Requirements and the Plan, and Chargualaf to complete the DMC Requirements. Chargualaf reported focusing on 3 areas: 1. Alternatives to detention/corrections. 2. Delinquency Prevention. 3. Diversion.

VI. Announcements

1. Fernandes-Otake reported the travel changes, roundtrip boarding passes requirement, Hawaiian Airlines 72 hours cancellation policy and deviations handled on own after booking the meeting travel.
2. Miao announced met with the OJJDP Training & Technical Assistance, Burns Institute Training and requested SAG training; to define the role and responsibilities.
3. Chargualaf announced the concentration on SAGs and how to engage SAG members with the jjs. Talk of holding the DMC Conference in Hawaii, because of Hawaii's Civil Citation Program, Ho'opono Mamo; to host the 56 states and territories and the affiliated groups.

VII. Next Tentative Meetings

Friday, September 11, 2015 - JJSAC Executive Committee Meeting
Friday, September 25, 2015 - JJSAC Quarterly Meeting

VIII. Adjournment

Judge Fernandez made a motion to adjourn the meeting, and seconded by Judge Auna. There being no further discussion, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,



Leimomi Fernandes-Otake
Juvenile Justice Administrative Assistant