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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

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JUVENILE JUSTICE STATE ADVISORY COUNCIL MEETING

March 13, 2013
9:00 a.m. to 12:00 p.m.
Department of Transportation, Airport Conference Room #4
400 Rodgers Boulevard, 7th Floor Inter-island Parking Structure
Honolulu, Hawaii 96819

MINUTES

Present: Jay Kimura, Chair
Judge Aley Auna Jr.
Judge William Fernandez
Walter Lau
Sterling Lee
Tai-An Miao, Chair, Ethnic & Cultural Diversity Committee
Melinda Montgomery, Chair, Prevention & Accountability Committee
Ronald Nakamichi, Chair, Compliance Committee
Marsha Yamada

Absent: Dexter Artienda, 2nd Vice Chair, Chair, Youth Committee
Christina Andersson-Reichert
Robert Carroll
Theodore Daligdig III
Vanessa Pulido
Kristina Maugalei-Nardo
Elijah Spriggs-Kahalewai

Staff: David Hipp, OYS Executive Director
Ed Chargualaf, OJJDP Program Coordinator
Christopher Lum Lee, JJ Program Specialist
John Paekukui, JJ Program Compliance Monitor
Leimomi Fernandes-Otake, JJ Administrative Assistant

I. Call to Order

Chair Kimura called meeting to order at 9:06 a.m. Chair amended agenda to skip to Item III until get quorum to conduct JJSAC business.

II. Review Juvenile Justice State Advisory Council (JJSAC) December 19, 2012 Minutes **Attachment A**

Chair resumed business meeting after David Hipp's briefing because of quorum, and asked for minutes adoption. Judge Auna motioned to approve December 19, 2012 minutes, seconded by Wayde Lee, and the motion was passed unanimously. No discussion.

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

Hipp briefed the cutbacks of the legislature and announced the first House Finance draft out tomorrow. Cuts to the OYS's budget are the assessment centers and to two of the five parole officer positions. The Ways and Means (WAM) approved the accountant and clerical support position, but not the Deputy Assistant position.

Hipp introduced Senate Bill 1120 proposing to not place 18-year-old youths into HYCF if youths are not a public safety risk. Currently, 30 of the HYCF's population are ages 18 and 19, who are mixed with the population to influence 14-year-old youths. Judiciary killed the Bill. Hipp reported the HYCF numbers are higher today, 88 versus three years ago when started. 30% of the HYCF population are 18 years old. Staff are dealing with juveniles who should not be at HYCF, and are handling mental health issues.

Hipp preparing for next legislature with hopes to limit the number of kids committed to HYCF, because HYCF is not a place for kids. The state spends twice as much at HYCF instead of helping kids in the communities. If no progress, Hipp will recommend the courts send youth to Detention Homes instead of HYCF. Hipp reported HYCF is discharging kids 18 and 19 years old with nowhere to go. HYCF does not have independent living funding, but has assisted youths for a couple of months to get settled.

Hipp reported Al Carpenter returned to the same punitive approach of handling kids when started, after a nine month leave. Hipp to address HYCF staff attendance issue. Usually, only five staff report per shift per day, resulting in only 15 staff a day to help the kids. Civil Citation will serve as a diversion for petty misdemeanors and runaways. Hipp working with Circuit 5's DOE and Circuit 3's West Oahu, on an in-school suspension. Judge Auna inquired of the Hilo's Assessment Center impact. The Hilo Assessment Center is a pilot paid by federal funds. Judge Auna inquired the location of the two parole officers. The parole officers are designed for the neighbor islands and the location to be determined by the county's needs.

Hipp reported the 2015 OYS RFPs will emphasize court appointed service programs. Noted less than 1% of DHS funding are for juvenile justice, even with the increase of Waikiki youth crime. Judge Fernandez recommended reviving assessment centers. Hipp reported Mayor Kenoi testified in favor of assessment centers, thanks to Kimura and Wally Lau. Kimura suggested using county revenue to support assessment centers.

Melinda Montgomery inquired reason for high numbers at HYCF. Hipp reported no juvenile crime wave, but spread across the board. Ideally, numbers would be less if the courts follow the statute to check with Hipp regarding space prior to sending the juvenile to HYCF. Judge

Browning and Judge Auna do confer with Hipp, but not all courts follow the statute. Youth are committed without regard to HYCF numbers or to wait in a Detention Home for a HYCF bed.

Montgomery inquired the trend to hold 18 to 19 years old. Hipp reported when he arrived, HYCF held 18 and 19 years old just because of probation failure. However, if the youth commits a crime at age 18, the youth is sent to an adult facility. Judge Auna reported judges will address the same issues next week, because Judges are also concerned.

Wayde Lee cited the GMO as an example of successful work with the legislature. Similarly, need to educate our communities in order to impact the legislature. The Hawaiian Trusts are onboard with CCI that they donated land for the program. Chair encouraged members to talk to legislature regarding CCI and the assessment centers to lighten the problems for the future.

IV. Compliance Update

A. Three (3) Core Requirements

1. Facilities

Ron Nakamichi reported for John Paekukui, because completing compliance monitor site visit on Kauai. The Compliance Monitor site visits to be completed by the end of April. The Big Island on March 20 in Kona, followed by two Maui visits, then ending with Molokai and Lanai.

Reported one violation on Kauai for a seven (7) hour hold due to the shift change in 2012. If the Rural Exception Rule was in place, this would not have been a violation. Kaneohe is the second violation because held a juvenile for seven (7) hours. The in-take police officer was unaware of the six (6) hour hold rule. The officer has been trained on the Three (3) Core Requirements to avoid future violations.

B. Disproportionate Minority Contact (DMC)

1. Civil Citation Initiative (CCI)

Tai-An Miao showed a CCI PPT using the preliminary name of the Hawaii Youth Diversion System (HYDS), a.k.a. CCI. The team is working on a CCI brochure to use as a handout. The emphasis is culture appropriate programs and the inclusion of a Ho`ala Community Conferencing (returning to the communities by bringing the group together). Also to find the root of the problem and to resolve the issue. The ideal budget is $20m for an assessment center in each county, which includes mental health & substance abuse treatment; conferencing services; short-term residential learning & healing centers; and to expand the OYS staff on the neighbor islands.

Miao solicited members to seek their community support in order to build a CCI voice, and to get media and public attention. Nakamichi suggested a media press conference. Hipp reported KITV's interest of the low counts from 10 years ago because of JDAI.
Action: Miao to email Flowchart and CCI PPT to members per Hipp's request.

Miao reported Oahu is the CCI's first phase, thanks to the partnership of the prosecutor attorney office and deputy police chief. Chargualaf reported what comes after the assessment centers are the return to the cultural based programs. Wayde Lee shared the Kupuna given name CCI; Ho`opono Mamo, which means to set right children, not children to become extinct.

Patrick Keleher reported his 15 years involvement with the California Wraparound Program, and that assessment centers are the right direction for the mentally sick to get help. The Wraparound Program is a good intervention for youth and excited to incorporate the assessment centers. At this point, Chair introduced the OYS Children & Youth Program staff in attendance: Patrick Keleher, Kaleve Tufono-Iosefa and Bruce Shimoda.

Tufono-Iosefa suggested the parent partnerships, because it is a critical piece for working with juveniles. Commented working with the Micronesian community and noted how they are not all the same. There are multiple Micronesian communication components to address in order to properly handle the Micronesian community.

2. Trauma Informed Initiative (TII)

Chargualaf reported TII to begin on April 1, 2013, awarded to Judiciary and the contract ends September 30, 2013. The team will conduct a juvenile detention facility and HYCF assessment. **Action:** The contract service provider will present the findings and make recommendations to OYS, Judiciary and SAG.

V. Juvenile Justice State Advisory Council (JJSAC)

A. Membership - Recruitment **Attachment B**

Chargualaf reported five member terms to expire June 30, 2013: Robert Carroll, Ted Daligdig, Wally Lau, Wayde Lee, and Vanessa Pulido. Pulido is the only JJSAC member for reappointment. Compliance requires 15 JJSAC members. Wayde Lee is on DMC CCI Committee and Lau is on the Prevention & Accountability Committee. Need to inquire with Carroll's interest due to Maui County Council and Daligdig is busy with the Civil Defense. Chargualaf reported replacement of a local elected official and Molokai representation. Wayde Lee recommended a Lanai representative in order to have a voice from each island versus by county. Wayde Lee moved for a motion to have a representative from each island, seconded by Lau. Chair asked for discussion. Wayde Lee requested representation from each island as a matter of policy, seconded by Lau, and the motion was passed unanimously.

Chargualaf reported June is the last meeting for the expired terms. Encouraged to advise prospective nominees to apply online, and that the Governor makes the final decision. The counties are represented, two from the Big Island, two from Maui, and two from Kauai.

B. Annual Report

Chris Lum Lee reported JJSAC 2012 Annual Report printed and copies distributed.

C. Development of Policy & Progress
Chargualaf reported the need to address introduced Bills that impact youth and families. Recommendation to have SAG members, especially from respective neighbor islands consult and educate authors of the introduced Bill if it goes to legislature.

D. SAG Collaboration
Chargualaf reported the collaboration of SAG members to help educate and orient Judges on JJSAC and the role. Judge Auna informed possible opportunity to present at the Annual Family Court 3-Day Symposium at the Kapolei Courthouse. Judge Auna will advise if able to add Chargualaf as a presenter. Yamada added good venue with all Family Court Judges. **Action:** Chargualaf to prepare JJSAC (CCI and TII) 30 minutes presentation for 9/11-13/13. Chair inquired need to help familiarize Judges with HYCF. Judge Auna confirmed Judges are well versed with HYCF. Miao reminded the online youth service directory as resource tool.

E. Subcommittee Reports

1. Compliance Committee

Nakamichi reported met on March 7, 2013. Faced with issue of HPD not represented due to restructuring and without Sheriff representation due to new contacts.
Action: Paekukui to follow-up on HPD and Sheriff representative.

Nakamichi reported positive responses and welcomed site visit exposure of the Kapolei Detention Home, HYCF and Hale Kipa. The Big Island and Kauai law enforcement gained insight, and valued networking with other departments and facility staff. The Committee adopted training into the budget for new juvenile police officers for site visits.

Nakamichi reported combined future meetings to site visit program facilities. The Hilo September 6, 2013 meeting to site visit the Hilo Assessment Center Program and other OYS providers. **Action:** Chargualaf to provide OYS provider list for front line police officers to assist with the handling of juveniles.

Nakamichi reported continued training discussions. The Strategies For Youth (SFY) Training focuses on the youth brain development and how to handle kids more effectively to get a better behavior. In comparison, the Connecticut Youth Development Training (Connecticut) which Paekukui attended focuses on the police approach of handling juveniles and the youth's response to authority. The officer's attitude and the stereotype of how the juvenile is treated because of how they are dressed; typically a college student treatment versus a gang youth. **Action:** Chargualaf to provide training cost comparison.

2. Prevention & Accountability Committee

Montgomery reported met on February 20, 2013. Committee members are Christina Andersson-Reichert, Wally Lau, Ted Daligdig, August Suehiro, and Tina Winquist. Reviewed contract report to work on keeping providers accountable. Next meeting is April 17, 2013.

3. Youth Committee

Lum Lee reported hard time to get Youth Committee back on track, because of school and work schedules, so communicate via email. Working on Spirit Youth Award for next year because missed deadline. Wayde Lee announced Artienda appointed as the CJJ Regional Representative for the Western Youth Committee and participates in Sunday monthly conference calls.

4. Ethnic & Cultural Diversity Committee

Miao reported working on task force, which Wayde Lee is a member. Wayde Lee to get neighbor island representation to ensure communicating well in all communities.

VI. Grants Management

A. JABG Grant Approval

Chargualaf reported submitted JABG grant application on February 28, 2013 with the Executive Committee approval. Asking to ratify the Executive Committee action. Wayde Lee motioned to ratify the Executive Committee approval, seconded by Judge Fernandez, and the motion was passed unanimously.

B. Formula Grant

Chargualaf disseminated the Formula grant application project abstract and program narrative. Requested approval to submit application by April 1, 2013. Noted paragraph 2 of the project abstract highlights CCI and the collaboration to return to the communities. JJS is not the place for youth services, instead it is the community partnerships. The Formula grant is a 3-year plan, and report each fiscal year from 2012 to 2014. 2012 is year one and includes the 2012 studies and the comprehensive DMC assessment. The study found similar patterns to the Kassebaum's study from 15 years ago. The next two years are updates, followed by changes to the analysis in 2015 with a new 3-year plan.

Chargualaf identified the needs of the problem statement as follows: 1. Need to be in compliance or loose 20% federal funding. 2. Need JJSAC membership or freeze federal funds. 3. DMC overrepresentation in JJS. 4. Probation. 5. Paekukui to complete compliance monitor site visits for the State Compliance Monitor Report.
Wayde Lee motioned to approve the Formula Grant application, seconded by Judge Fernandez, and the motion was passed unanimously.

C. Program Benchmarks

Chargualaf reported the OJJDP provider contracts will have benchmarks to hold programs accountable on how they are preventing youth from entering the JJS. In 2012, 60 % of the facility population were from the neighbor islands. Of the detention facility 427 population; 385 are from Honolulu, 2 from Kauai, 35 from Maui, and 5 from the Big Island. Of the HYCF 108 population; 42 are from Honolulu, 12 from Kauai, 28 from Maui, and 26 from the Big Island.

Yamada surprised of Kauai and Big Island low numbers. Judge Auna noted committed more than five (5) youth to the detention facility, because the low numbers makes the

state look good. Chair noted numbers could be contributed to the prosecutor attorney not closing out files or the police officer did not complete the process. Chargualaf reported data is from JJIS in the Prosecutor Attorney's Office. **Action:** Chargualaf to report judiciary data versus AG for the fiscal year numbers rather than the calendar year.

D. Sequestration
Chargualaf reported sequestration looks good for JJS as of yesterday because cleared the Senate and now in the House. Reported 2013 funding: 1. Title II is $40m to $44m; 2. Title V is $20m; and 3. JABG is $30m to $35m.

OJJDP's new Administrator is Bob Listenbee, a former JJ Defense Attorney from Philadelphia. Bob is the first permanent OJJDP administrator since 2008. Prior to being onboard, OJJDP went through reorganization and new offices.

Chair reported Title V is the Enforcing Underage Drinking Laws (EUDL) which used to be under JJSAC, but moved to DOH. Wayde Lee sits on EUDL council to ensure spending funds, because it impacts JJSAC if out of compliance. Forming a non-profit to help with funding. Chair suggested contacting the Liquor Commission because have money for prevention, and a way to educate other commissioners.

VII. Conferences, Training, Workshops

A. CJJ Annual Conference - May 1-4, 2013
1. CJJ Hill Day - May 1-2, 2013

Chargualaf reported the attendees are the Chair, 2nd VC, Hipp and JJPC. Artienda attended three conferences and attended two CJJ Hill Days.

Leimomi Fernandes-Otake reported confirmed meetings: 1. Congresswoman Colleen Hanabusa meeting on May 1, 2013 with Ms. Teal Nakayama, Legislative Assistant.
2. Senator Brian Schatz meeting confirmation with Arun Revana, Legislative Director, but date to be advised.

Chargualaf reported upcoming CJJ September 2013 Regional Conference in Alaska, focusing on Compliance and the Western DMC, which the Executive Committee recommends attendance. **Action:** Chargualaf to update SAG on the CJJ September 2013 Regional Conference in Alaska.

B. OYS Third Annual Conference - April 25, 2013
Chair amended agenda date from April 24, 2013 to April 25, 2013. Chargualaf extended invitation to JJSAC members to attend the OYS Third Annual Conference on April 25, 2013 at Ko`olau from 8:00 a.m. to 3:30 p.m. Highlighted opening session with Pono Shim to define the meaning of Aloha, along with Dr. Manu Meyers, a cultural practitioner. Followed by CCI and the Wraparound Program. RSVP to Fernandes-Otake to coordinate travel. Hawaii Youth Network (HYN) is handling the reservations.

VIII. Announcements

1. Judge Auna inquired if members have visited HYCF. Recommends next meeting to visit HYCF and/or the Detention Home, as part of the responsibility of a JJSAC member. Wayde Lee suggested visiting HYCF during a graduation to support the youth.

IX. Next Tentative Meetings

Wednesday, April 17, 2013 - Prevention & Accountability Committee Meeting
Thursday, May 30, 2013 - Compliance Committee Meeting
Wednesday, June 12, 2013 - JJSAC Executive Committee Meeting
Wednesday, June 26, 2013 - JJSAC Quarterly Meeting

X. Adjournment

Judged Fernandez motioned to adjourn the meeting, and seconded by Judge Auna. There being no further discussion, the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Leimomi Fernandes Otake

Leimomi Fernandes-Otake
Juvenile Justice Administrative Assistant