NEIL ABERCROMBIE
GOVERNOR

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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

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JUVENILE JUSTICE STATE ADVISORY COUNCIL MEETING

December 18, 2013
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

MINUTES

Present: Jay Kimura, Chair
Melinda Montgomery, 2nd Vice Chair, Prevention & Accountability Committee Chair
Christina Andersson-Reichert, Prevention & Accountability Vice Chair
Judge Aley Auna Jr.
Judge (ret.) William Fernandez
Sterling Lee
Tai-An Miao, Ethnic & Cultural Diversity Committee Chair
Laverne Moore
Ronald Nakamichi, Compliance Committee Chair
Patricia Niibu
Acting Major (Cpt.) J Pedro
Marsha Yamada

Absent: Dexter Artienda, 1st Vice Chair, Youth Committee Chair
Elizabeth Browning
Vanessa Pulido
Kristina Maugalei-Nardo
Elijah Spriggs-Kahalewai

Staff: Ed Chargualaf, OJJDP Program Coordinator
John Paekukui, JJ Program Compliance Monitor
Leimomi Fernandes-Otake, JJ Administrative Assistant

I. Call to Order

Chair Kimura called meeting to order at 10:11 AM. Introductions by new JJSAC members.

II. Review Juvenile Justice State Advisory Council (JJSAC) June 26, 2013 Minutes — Attachment A

Chair asked for the June 26, 2013 minutes adoption. Judge Fernandez motioned to adopt the June 26, 2013 minutes, Christina Andersson-Reichert seconded, and the motion was passed unanimously. No discussion.

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

David Hipp welcomed the new JJSAC members and reviewed the annual highlighted report. The commitment reduction to HYCF; ongoing collaboration to address status offenses and first time misdemeanants; the CCI to operate by Spring, Kauai Mayor's plans to establish a Kauai substance abuse facility; MOA with CAMHD to provide mental health services for probationers; Governor's recommendation of an additional $1.8 million for front-end services in FY15; and the Lt. Governor's supplement of $3.1 million to address after school programming for middle schoolers. The PEW, charitable trust juvenile justice system recommendations to focus on HYCF for serious offenders; strengthen juvenile parole and reentry practices; define diversion options; maximize probation effectiveness; equip probation officers to manage youth behavior; and increase collaboration and sustain practices.

IV. Juvenile Justice State Advisory Council (JJSAC)

A. Membership

Chargualaf elated to have active law enforcement, and education representatives from Lanai and McKinley High School onboard. Noted truancy and suspensions are the gateways into the jjs. Extended appreciation of A/Maj. J Pedro's dedication to jjs because of his assignment to Ho`opono Mamo.

Tai-An Miao noted moving with the diversion for 1st time arrestees, which a case manager will follow the youth from the beginning rather than months later to keep the youth out of the jjs. Circuit 1 and HPD supports not placing status offenders in front of judges, but to develop a plan to find out why not going to school, then try plan B or C. This is a social issue, because the parents are not understanding the consequences. This should be resolved by the schools versus the courts.

Miao reported CAMHD agreement, not necessarily exclusive to probation kids, but to inform team at intake to refer a youth to the available service. Hipp reported the police are redoing normal procedures for Ho`opono Mamo, which PEW views as another diversion. PEW found a lot of inconsistency among the circuits and the need for consistency to address certain issues. Miao reported Ho`opono Mamo plan in place beginning of school year and will conduct quarterly evaluations. However, Hipp is more optimistic for operations to begin sooner and should know within the month. Hipp noted the difficult piece is the site, then contracts and agreements to be in place.

Moore reported counselors are not willing to petition for truancy, yet the teachers are evaluated by student performance testing, even though they are not in school to learn the lessons. Inquired how to get support for student who is not in school, because they are on the path to the court system. HIPP noted trying to start a program at Dole Middle School. Schools are difficult to get into and many hoops to do a simple survey. Dole Middle School's issue is youth are not going to school because their belongings get stolen enroute to school. Something as simple as adults volunteering at street corners can resolve the issue. Noted prejudice towards the large population of Micronesians. Teachers need Micronesian culture education similar to the Samoans 20 years ago.

Chair reported truancy suspension needs to be considered by all jurisdictions, courts and schools. Moore noted the importance of truancy, especially if the student is in special education, because

of potential lawsuit. Chargualaf reported the funding of Kauai High School In-school Suspension which kicked off on September 1, 2013. Montgomery working together to do case management and the family component. Reported 50% already in jjs and the other 50% to keep out of the jjs. Reported total of 14 with 4 arrested the day prior; come and go; some shorter terms and others longer stays. Youth on probation are offered GED (3 passed out of 9) or work to get credit recovery for youth (15 kids). Credit recovery is a major issue, because when the youth gets behind, they want to give up. Most do not have family support, which in-school suspension is a way to help the youth complete their education. Hipp reported OYS funds the Hilo High School Alternative School with the programming and extra curriculum, but does not include the teacher's pay.

A. Membership **Attachment B**

Chargualaf reported now have 16 JJSAC members: Niibu, Moore, A/Maj. Pedro, Elizabeth Browning and Vanessa Pulido reappointed. Chair noted with the new JJSAC members, we now have a representative from each island.

B. Coalition for Juvenile Justice 2014 Membership

Chargualaf reviewed the importance of the CJJ and the Executive Committee approval of the 2014 membership fees; asked for motion to ratify. Moore motioned to ratify payment of the CJJ 2014 membership fees, seconded by Judge Fernandez, and the motion was passed unanimously. No discussion.

C. Tentative JJSAC Full Body and Subcommittees 2014 Calendar **Attachment C**

Leimomi Fernandes-Otake reviewed the tentative 2014 calendar.

1. Meetings change to Fridays

Discussion to change quarterly meetings from Wednesday to Fridays. Chair noted the meeting time from 10:00 AM to 1:00 PM. Montgomery motioned in favor of the meetings to move to Fridays, seconded by Andersson-Reichert, and the motion was passed unanimously. No objections.

D. Subcommittee Reports

1. Compliance Committee

Ron Nakamichi reported met on Maui on 12/6/13 for the purpose to site visit the MPD POI lo`i and toured the new Kihei Police Station where the meeting was held. The committee members are made up of law enforcement from each county; Marsha Yamada represents judiciary statewide, and Lt. Gary Saiki from Kauai represents the sheriffs statewide.

Nakamichi reported Oahu's issue with the Micronesian population arrests of Chuukese youth and the time it takes for the parent to actual pick up the youth. Noted the success of OYS's Micronesian meeting to assist with the culture protocol that educated the attending judges and the handing off the youth to Hale Kipa to make contact with the parents, because of the 6 hour hold rule. Hipp reported will even fund shelter beds, because of the efforts to find the parents.

The committee was impressed with the MPD POI program and Kawewehi Pundyke, who takes the youth through the Iao Valley lo`i. Along the trail, the youth travels on a journey from entry to exit. Commended on Pundyke's dedication of time and money to supply the lo`i materials and water for

the youth. Shared a sad story of a Lahaina youth wanting to continue to participate in the Saturday program, but the parents are unwilling to drive him. The next meeting is on Kauai to see the last of the OJJDP program providers.

Moore reported that Chuukese are late or do not attend school, because of lack of transportation or there is no one to care for the younger siblings. Chargualaf noted if the Micronesians do not have an understanding of a program, they may not bring the kids to the program, because the program is not available to them back in the islands. Micronesians do not understand their benefits like school, because they now have jobs and a house to deal with.

Chargualaf noted Sgt. Barry Tong's issue of the Micronesian mothers and not the fathers, who pick up the youth. Culturally, the mom represents the children without the dad present. The dad does not want to go into the police station because of shame. A/Maj. Pedro reported multiple reasons for Micronesian dealings beside not knowing their contact information; the lack of understanding of the juvenile being held; the issue of grandchildren; and the grandparents not having the physical custody papers.

Montgomery reported a Marshallese youth on Kauai, which no one knows how the youth got to Kauai from Kalihi; no parents and no Kauai Job Corps; and no clan in the foster home. The monitor doesn't know either because the youth is not talking. Andersson-Reichert reported a large Maui Micronesian population because of Job Corps. Commented if you ask the Micronesian youth if they understand, the response is yes. Chargualaf reported the yes response is out of respect. Stressed a cultural differences among the Micronesians from Pohnpeian and Chuukese, and women are the power in the house, but the men impose the judgment.

2. Ethnic & Cultural Diversity Committee

Miao reviewed the previous Ho`opono Mamo handout. Action: Miao to email the 4 page version to members. The CCI is adapted from a Florida model to recognize DMC issues, how different, and to command respect and honor of the culture. Native Hawaiians are over represented in every decision point. The location site is Kalihi in District 5 because of the diverse population. Ho`opono Mamo will address what happens to families who are not familiar to jjs. The police will handle status offenders and 1st misdemeanors by holding the collected information and document, but takes the youth to the assessment center if meets the Ho`opono Mamo criteria. The assessment center will address the language barriers and an ideal environment similar to a plantation home, where the youth sits at the kitchen table and talk story with a Kupuna. This format will allow the families to understand the consequences if 1st time offense, repeat status offense and how the consequences differ. The result is a choice of an alternative process for the youth and the family.

Miao reported 1st timers to address the restitution and to focus on forgiveness of what happened to the child or the family life style, because the solution may be simple as the youth made a mistake. Or if the youth has a mental health issue, then the assessment will be made quicker to a referral versus waiting months later.

Another program pathway is Wayde Lee, past JJSAC chair who served 15 plus years and runs a Molokai healing program. The 21 days residential program includes Ho`oponopono lead by the

youth with their parents during the 2nd week. The result is a family transformation to help the youth heal from the issue. Pat Niibu inquired if a youth needs a family to be in program. Miao reported a youth can participate if have a responsible adult to take on the parent role. Judge Auna noted the potential liability if parent is not willing and the need of a legal guardian or parent involvement similar to court cases. Another option is to get a power of attorney to assign legal obligations to the responsible adult. Miao noted this as a barrier. Moore noted DHS takes over in IEP meetings if the parents are not willing to attend, and it is only a temporary assignment by the judge.

Miao noted hold monthly meetings on Oahu, open to all organizations and counties and the time may change because of a lot of after school programs. Action: Miao to email meeting details for tonight's potluck at 6:00 PM.

3. Prevention & Accountability Committee

Montgomery reported also met on Maui on 12/4/13 at MYFS. Andersson-Reichert hosted the meeting and MYFS program workers and coordinator gave presentations on the OYS programs. The committee site visit the MPD POI at the Kahului Police Station, not the lo`i. The meeting was informative and learned the uniqueness of 4 non-police youth counselors on staff. Hipp confirmed Maui is the only county with actual juvenile counselors on staff, who are not police officers. Montgomery to host the next meeting on Kauai and the committee to site visit the OJJDP program providers.

Andersson-Reichert added the committee discussed evaluation of the different programs and the need to look at the programs with a clear process of evaluation. Chargualaf reported the committee to work together as a team to concentrate on the accountability of the programs. The need to give what is expected upfront and the program reporting more on performance measurements such as if included a cultural component and practices, collaborated, state what doing with success stories or 1-2 sentences, the fiscal responsibilities to minimize returning monies, and if conducted internal evaluations to document outcomes. The committee to produce a standard form for providers contracted with federal funds and to offer OYS assistance if need help to ensure getting money's worth of what expected. Moore inquired if write proposal, the provider should use the criteria to meet the accomplishments. Montgomery reported things change, but would like flexibility to change the budget line item or transfer monies to another service.

4. Youth Committee

Chargualaf deferred Youth Committee report, because not available at this time.

V. Grants Management

A. Federal Awards

Chargualaf update on the OJJDP reorganization and now educating Karen Bachar, the Hawaii Program Manager on the Hawaii issues via monthly conference calls. Concerned about the OJJDP funding and the leverage for other grants. Currently, unaware of other agencies receiving awards from the Office of Justice Programs or OJJDP, and those writing grants should partner and collaborate with JJSAC to address the issues through OYS.

Chargualaf noted JJSAC is a requirement to receive Title II Formula grant and reported the 2013 grant awards. Title II Formula 2013 grant awarded $404,225 for DMC (the Ho`opono Mamo through UH ), probation, alternatives to suspension and assessment centers. In past, 2012 awarded $400K and in 2011 awarded $600K. Total of $1,404,225 Formula grant not used. The 2010 grant used for Ho`opono Mamo, youth probation, Kupunas at HYCF through Alu Like, Inc., the Big Island Assessment Center through the Salvation Army, the JDAI Reporting Center in Pearl City, the Kauai High School In-school Suspension through Hale Kipa, the Trauma Informed Initiative through Judiciary, and John Paekukui, Compliance Monitor to monitor the 3-core requirements and to help the facilities maintain compliance.

JABG 2013 grant awarded $133,464 for counties and graduated sanctions. In past, 2012 awarded $173,413 and in 2011 awarded $282,994. JABG funds the Juvenile Justice Center through the City & County of Honolulu, Hale Opio Teen Court through the Kauai Prosecuting Attorney's Office, Hale Kipa Family Management Program through the Big Island Prosecuting Attorney's Office and the MPD POI Program.

Currently, a total of $1,994,096.00 money for both the Title II Formula and JABG grant for FY11, FY12 and FY13 to continue or redirect the contracts. Title V grant has not been funded since 2012, which includes EUDL monies. Closed out the 2010 Title V grant and working on FY11 funding for the Kauai Mayor's Office Out-of-school Suspension Program at Kauai High School through Hale Kipa.

VI. Conferences, Trainings, Workshops

A. National Youth Conference Report - August 3-4, 2013

Chargualaf deferred National Youth Conference report, because not available at this time. Artienda to submit report in writing.

B. OJJDP Training - June 17-18, 2014

Chargualaf noted the OJJDP training on the compliance requirements: Paekukui reports the 3 core requirements and Chargualaf reports the DMC, 4th core requirement. Hipp, Chargualaf and Paekukui to be in attendance; then to check agenda if any additional attendees. Chargualaf noted a special OJJDP meeting on June 16, 2014 with Hawaii's Program Manager, Karen Bachar to discuss Hawaii's compliance issues.

C. CJJ Annual Conference - June 18-21, 2014

Chargualaf noted the approved CJJ 2014 membership fees provides technical assistance, holds annual conferences to bring everybody together to visit congressional delegates at Hill Day, and lobbies for federal and state government. CJJ is crucial to our operations, because have over 3000 organizations in the group. Depending on compliance issues, Hipp, Chargualaf and Paekukui to meet with federal people to resolve compliance issues earlier.

VII. Announcements

1. Judge Auna inquired about the compliance monitor report and if the new Kona Courthouse juvenile section is in compliance. Paekukui reported 3 violations on Oahu for holding juvenile over 6 hours in secure custody: 1 in Kaneohe District of the Kailua Police Station and 2 in Kapolei Police Station. Noted completed Kapolei training per Captain's request and Kaneohe did own training. Overall, the state is doing well. Judge Auna inquired if violations due to lack of training. Paekukui noted often promoted without the juvenile justice knowledge.

Hipp noted for the large populated states like New York, can have lots of violations unlike Hawaii. Hawaii has 300K juveniles, the formula on the number of violations differ by state and by the communities. Title V grants are by the communities and the other grants are by the state. The Rural Exception used if arrested for a criminal offense such as on Lanai, because there are no flights to Oahu to the Detention facility or HYCF; can keep youth overnight in an approved facility. Honolulu is not a Rural Exception and Maui is not a problem because classified prior to getting onboard.

Chair noted the EUDL grant concern and Chargualaf discussions with DOH, because giving out contracts to communities that are not in compliance may jeopardize our formula grant funds. For this reason, the EUDL coordinator reports progress to the JJSAC meetings.

Hipp asked members to review the PEW report and to send letter of supports to legislature if like the recommendations. Action: Chargualaf to email PEW's final report.

VIII. Next Tentative Meetings

Wednesday, March 5, 2014 - JJSAC Prevention & Accountability Committee Meeting
Friday, February 21, 2014 - JJSAC Compliance Committee Meeting
Friday, March 14, 208 - JJSAC Executive Committee Meeting
Friday, March 28, 2014 - JJSAC Quarterly Meeting

IX. Adjournment

Judge Fernandez motioned to adjourn the meeting, and seconded by Andersson-Reichert. There being no further discussion, the meeting was adjourned at 12:40 PM.

Respectfully submitted,

Leimomi Fernandes Otake

Leimomi Fernandes-Otake
Juvenile Justice Administrative Assistant