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U.S. Department of Justice

Office of Justice Programs

*Office of Juvenile Justice and Delinquency Prevention*

*Office of the Administrator*

*Washington, D.C. 20531*

SEP 30 2014

David Hipps  
Executive Director  
Office of Youth Services  
Department of Human Services  
707 Richards Street, Suite 525  
Honolulu, HI 96813-2938

Dear Mr. Hipps:

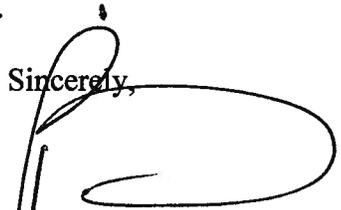
The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Hawaii's annual Compliance Monitoring Report to determine the extent of compliance with Section 223(a)(11), (12), (13), and (22) of the Juvenile Justice and Delinquency Prevention Act (JJDP). This review resulted in the following findings:

- Hawaii is in compliance with Section 223(a)(11) of the JJDP (the "deinstitutionalization of status offenders" or "DSO" requirement).
- Hawaii is in full compliance with Section 223(a)(12) of the JJDP (the "separation" requirement), which requires that juveniles not be detained or confined in any institution in which they have contact with adult inmates.
- Hawaii is in compliance with Section 223(a)(13) of the JJDP (the "jail and lockup removal" requirement).
- Hawaii is not out of compliance with Section 223(a)(22) of the JJDP (the "disproportionate minority contact" or "DMC" requirement).

Each State receives 20 percent of its total fiscal year allocation for participating in the Title II Formula Grant Program of the JJDP (42 U.S.C. 5631-5633) and an additional 20 percent for each of the four core requirements with which they have demonstrated compliance. Therefore, based on the above findings, it is determined that Hawaii is eligible to receive 100 percent of the Fiscal Year 2015 allocation related to participation in the Title II Formula Grant Program and compliance with Sections 223(a)(11), (12), (13), and (22) of the JJDP. Attached is the status of compliance with each core requirement of the JJDP and any noted deficiencies with the annual Compliance Monitoring Report.

We are available to help Hawaii achieve and maintain compliance with all of the requirements of the Title II Formula Grant Program. If you have any questions, please contact Elissa Rumsey in OJJDP's Audit and Compliance Division, at 202-616-9279.

Sincerely,



Robert L. Listenbee  
Administrator

cc: Jay T. Kimura, State Advisory Group Chairperson  
Edward Chargualaf, Juvenile Justice Specialist & DMC Coordinator  
John Paekukui, Compliance Monitoring Coordinator

Enclosure

**STATUS OF COMPLIANCE**  
Juvenile Justice and Delinquency Prevention Act

**Section 223(a)(11)**

A determination has been made that Hawaii has an institutionalization rate of 0.0 status offenders and nonoffenders held per 100,000 persons under age 18. Hawaii is in compliance with the requirements of Section 223(a)(11) of the JJDP. This finding is based on the 2012 Monitoring Report data.

**Section 223(a)(12)**

OJJDP has determined that Hawaii is in full compliance with Section 223(a)(12) of the JJDP, which requires that juveniles not be detained or confined in any institution in which they have contact with adult inmates and there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles. This finding is based on the 2012 Monitoring Report data which indicated that during a 12-month period, no juveniles were detained or confined in any institution in which they had contact with adult inmates.

**Section 223(a)(13)**

Pursuant to the requirements of Section 223(a)(13), OJJDP has determined that Hawaii has an annual rate of .66 incidents of juveniles detained or confined in adult jails and lockups per 100,000 juvenile population and there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles. Such rate is not in excess of nine per 100,000 juvenile population. In addition, an acceptable plan has been developed by Hawaii to eliminate the noncompliance incidents. Hawaii is in compliance with the requirements of Section 223(a)(13) of the JJDP, pursuant to the policy and criteria for *de minimis* exceptions published in the November 2, 1988, Federal Register (28 CFR 31), which provides that with a rate per 100,000 juveniles of 0.1 to 9.0, the state is eligible for the numerical *de minimis* exception if a state has developed an acceptable plan to eliminate the noncompliant incidents through the enactment or enforcement of state law, rule, or statewide executive or judicial policy, education, the provision of alternatives, or other effective means. This finding is based on the 2012 Monitoring Report data.

**Section 223(a)(22)**

Pursuant to the requirements of Section 223(a)(22), OJJDP has determined Hawaii will not be found out of compliance with the Disproportionate Minority contact requirement of the JJDP. The summary of programmatic activities undertaken in your state to address racial and ethnic disparities in the state's juvenile justice system and the statewide Relative Rate Index (RRI) Spreadsheet data submitted indicates action in your state towards addressing minority

overrepresentation at the various system contact points. OJJDP recognizes the efforts taken by Hawaii to address this issue and the Office stands ready to continue to work collaboratively with Hawaii to achieve and maintain full compliance with this JJDP core requirement.

Although Hawaii has identified strategies aimed at DMC reduction, OJJDP strongly encourages Hawaii to prioritize and increase these efforts aimed at eliminating systemic racial and ethnic disparities. Historically, OJJDP has worked with states to implement the five phase OJJDP DMC Reduction Model with fidelity. To date, efforts have greatly focused on the initial identification and assessment phases of the DMC Reduction Model. As OJJDP continues to further DMC reduction efforts at the Federal, state, and local levels, the Office will place an increasing emphasis on assisting states to implement strategies aimed at moving through the full OJJDP DMC Reduction model, with specific emphasis being placed on the areas of assessment/diagnosis, intervention, evaluation, and monitoring.

Moving forward with this DMC reduction work, OJJDP will engage with states to increase efforts aimed at eliminating systemic racial and ethnic disparities in juvenile justice across the nation and more specifically, DMC reduction efforts in your state of Hawaii. To this end, the Office will continue to take steps to refine our approach to this work, and encourage each state to closely examine the activities and the impact of your DMC reduction efforts. DMC reduction strategies and objectives should have a demonstrable and measurable impact on reducing racial and ethnic disparities. Thus, OJJDP encourages Hawaii to submit a training and technical assistance request to assist the state with fully implementing the full OJJDP DMC Reduction Model with specific focus on assessment, intervention, evaluation, and monitoring.