

**REPORT TO THE TWENTY- EIGHTH HAWAII STATE LEGISLATURE
2015**

**IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 352D-6(11), HAWAII REVISED STATUTES, the Annual
Report of the Office of Youth Services**

**DEPARTMENT OF HUMAN SERVICES
Office of Youth Services
November 2014**

Hawaii Revised Statute §352D-6(11) requires the Office of Youth Services to submit an annual report to the governor and the legislature to include, but not be limited to, a review of the status of youth services within the State, and provide recommendations for priorities for the development and coordination of youth services.

A. OFFICE OF YOUTH SERVICES (OYS)

Programs, Services, Achievements, and Looking Ahead

The Legislature established the Office of Youth Services (OYS) in 1989 to provide and coordinate a continuum of services and programs in every county for youth-at-risk, to prevent delinquency and reduce the incidence of recidivism. Although a core responsibility of the OYS is to manage and operate the state's only Hawaii Youth Correctional Facility (HYCF), the agency provides and supports "front end" prevention, diversion, and intervention services.

Programs & Service Areas

The OYS focuses on programs and service areas that address youth needs ranging from prevention to incarceration and after-care. The following is a brief description of the programs and services the OYS provides statewide.

1) Positive Youth Development (PYD)

The PYD programs were offered by 29 private non-profit providers and served approximately 4,000 youth statewide. Funded by the OYS, the targeted youth included homeless, truant, in foster care and group homes, sexually active, pregnant and parenting youth, and youth at-risk who had, or were at risk for, involvement with the Family Court and/or contact with the police. Because these youth were at-risk for educational failure or involvement in the juvenile justice system, services and activities aim to help these youth develop resiliencies so they can successfully transition to young adulthood.

2) Youth Gang Prevention and Intervention

The OYS, through a grant-in-aid, funded youth gang prevention and intervention services. Targeted youth were ages 11 to 18 and engaged in either emergent or more established gang behavior. Services were provided by Adult Friends for Youth and included community mobilization efforts, strategies for gang prevention and intervention, and formal mediation services for youth gang members.

3) Truancy Prevention and In-School Suspension

In collaboration with the Department of Education, the OYS offered services to enhance school engagement and performance to ensure educational success for at-risk youth and their families. Targeted youth were ages 7 to 18

and at risk for truancy and chronic absences. The six funded agencies provided services and activities for over 400 youth that promoted attendance, attachment, and achievement to ensure educational success.

4) Community-Based Outreach and Advocacy

The OYS provided intervention and case advocacy services to youth whose unhealthy, risky behaviors placed them at-risk for initial or further penetration into the juvenile justice system. Four funded providers identified and engaged youth and their families to provide attendant care services, intake and assessment, assist in creating a youth/family-driven service plan, to support youth/family in accessing services, and to provide follow-up to ensure services were properly provided. In FY 2014, approximately 230 youth were served by the four OYS-funded providers statewide.

5) Intensive Monitoring Program

Intensive Monitoring Program services is targeted for youth who have been adjudicated by the Family Court, and have been placed on probation, with the goal to provide intensive supervision for youth, hold them accountable for their behavior and assist youth to be in compliance with the terms and conditions of probation. The service delivery approach includes involvement with the youth's family in supporting the youth's participation in activities that increase protective factors and decrease risk factors in various domains of the youth's life. Approximately 260 youth were served statewide with 80 youth being served at any one time in all four judicial circuits.

6) Day Treatment Center

Day Treatment Center services provides a community based, coordinated set of individualized treatment services, including educational, substance abuse, mental health, counseling, family intervention, psychosocial skills development, and community service on Oahu island. The target population for services is youth who are involved with the Family Court whose behavior interferes with their daily functioning in a typical school, work, and/or home environment and need the additional structured education and treatment interventions of this level of care.

7) Community-Based Residential Services

Youth who cannot or will not remain at home were served by community-based residential programs that helped them prepare for return to community living. Programs focused on improving youths' decision-making, social, and independent living skills, and enhancing their commitment to learning and education. Under the umbrella of 19 contracts, seven different providers offered a range of residential programs on all major islands. Approximately 220 youth were served in FY 2014, with most remaining on

their respective islands near family and other community support systems. These residential programs included:

- Emergency Shelters for youth ages 10 to 18: Recently arrested status offenders, non-violent law violators, intoxicated, troubled, abused, or neglected youth requiring short-term shelter and related services that addressed a present crisis.
- Intensive Residential Services for youth ages 12 through 19: Youth involved with the juvenile justice system have priority for services, assessed as high risk in one or more areas of need and unable to function in a pro-social manner without constant supervision and support, and can benefit from highly structured residential services.
- Independent Living Programs for youth ages 17 to 22: Troubled, abused, neglected, or adjudicated, and lack the attitudes, skills, and resources for independent living.
- Statewide Ke Kama Pono (“Children of Promise”) Safe Houses are community-based residential alternatives for troubled youth who are at-risk of penetrating further into the juvenile justice system. A diversion from the institutional setting of the HYCF, the Ke Kama Pono program provides guidance and support for troubled youth in a highly structured, closely supervised rehabilitative environment, while preparing the youth to reintegrate back into their respective communities.

8) Hawaii Youth Correctional Facility (HYCF)

The HYCF is a 56-bed facility whose primary purpose is to provide care and custody of at-risk youth committed to the State by the Family Courts. A safe and secure setting, the HYCF provides a variety of counseling, treatment, and educational services within the facility to aid in the redirection and rehabilitation of each youth ward. The programs conducted within the facility are intended to provide guidance and opportunities for positive behavioral changes.

9) Federal Grant Programs

In addition to the service areas, the OYS also oversees and manages a variety of federal grant programs that enable the State to improve the juvenile justice and education systems and/or implement youth programs and services to narrow the path to detention and/or incarceration.

- a) U.S. Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Programs (OJJDP).** In 1974, Congress enacted the

federal Juvenile Justice and Delinquency Prevention (JJDP) Act to protect and promote safe conditions for youth as well as address their physical and emotional needs in the juvenile justice system. Statutorily, the administration of the provisions of the JJDP Act rests with the Office of Youth Services [see HRS §571-32(k) and HRS §352F-5(b)]. The State of Hawaii's compliance with the JJDP Act results in funding for juvenile justice programs from the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP). More importantly, compliance with the JJDP Act protects the State from civil suits related to conditions of confinement litigation as the courts have found that jailing juveniles violates the 8th Amendment (Cruel and Unusual Punishment) and the 14th Amendment (Due Process). The following is a summary of the different grant programs:

- **JJDP Act, Title II, Formula Grants Program** enables states to meet and maintain compliance with the four core requirements of the JJDP Act, support delinquency prevention efforts, and improve the juvenile justice system. The core requirements mandate the deinstitutionalization of status offenders, removal of law violators from jails and lockups, elimination of sight and sound contact between juveniles and adult offenders, and reduction of the disproportionate numbers ethnic minority youth who come into contact with the law. In addition, recent federal statutes mandate compliance with the standards established as a result of the Prison Rape Elimination Act (PREA).
 - **JJDP Act, Title V, Incentive Grants for Local Delinquency Prevention Program** is aimed at reducing delinquency and youth violence by supporting local communities in implementing delinquency prevention programs. Counties that are in compliance with core requirements of the JJDP Act received grants.
 - **Juvenile Accountability Incentive Block Grant (JAIBG)** provided funds to states and units of local government to promote greater accountability in the juvenile justice system. Through this program juvenile offenders were held accountable for their wrongdoing by individualizing their consequences, and by being made aware of and answerable for the loss, damage, or injury perpetuated upon victims.
- b) U.S. Department of Health and Human Services--Title XX Block Grant**

The OYS utilizes funding from the Title XX Block Grant Program to provide services to at-risk youth and youth in need of foster care. A primary goal of this grant is to increase the level of self-sufficiency for youth and prevent institutionalization within the social welfare or juvenile justice systems.

B. OFFICE OF YOUTH SERVICES: Achievements in FY 2014

1) System Improvement: House Bill 2490 (Act 201, SLH 2014)

Seeking ways to improve outcomes and protect public safety, the OYS worked with Governor Neil Abercrombie, Chief Justice Mark Recktenwald, Senate President Donna Mercado Kim, and House Speaker Joseph Souki to establish the Hawaii Juvenile Justice Working Group in August 2013. The bipartisan, inter-branch panel was made up of 20 stakeholders from across the three branches of state government, as well as law enforcement officials, prosecutors, public defenders, and community service providers. The Pew Charitable Trusts provided technical assistance and support to the working group.

The working group was charged with developing policy recommendations to reduce crime and recidivism by improving outcomes in the juvenile justice system; leveraging and reallocating resources to maximize the effectiveness of Hawaii's correctional dollars and placement options; and ensuring that the state's policies and practices are grounded in data and evidence.

After five months of analysis of the state's commitment and probation policies, data on probation and committed populations, and other key indicators, the working group produced a set of research-based, fiscally sound policy proposals. It recommended limiting placement in Hawaii's secure facility to more serious offenders; reinvesting the resulting savings in effective community-based options; strengthening local supervision; and enhancing accountability in the juvenile justice system. The working group submitted its recommendations to the governor, chief justice, Senate president, and House speaker in a final report in December 2013. A copy of the report may be found at <http://governor.hawaii.gov/wp-content/uploads/2013/12/JJRI-Working-Group-Final-Report-Final.pdf>.

Based on the comprehensive recommendations of the Hawaii Juvenile Justice Working Group, Hawaii enacted House Bill 2490 (Act 201, SLH 2014) by votes of 50-0 in the House and 24-0 in the Senate. Governor Abercrombie signed the bill into law on July 2, 2014. The law will reduce secure confinement, strengthen community supervision, and focus resources on practices proven to reduce recidivism, and provides an upfront investment of \$1.26 million for mental health and substance abuse treatment, delinquency interventions, and implementation of the reforms.

The policies contained in H.B. 2490 advance priorities in three areas:

a) Reduce the use of secure confinement and protect public safety

Limiting space in expensive secure facilities to the most serious juvenile offenders will help Hawaii produce the greatest public safety benefit from the juvenile justice system. In addition, providing certain youth adjudicated for low-level crimes with the opportunity for early interventions will ensure that they are held accountable and that resources are put to their best use.

b) Strengthen community supervision and probation practices

Effective community supervision will allow Hawaii to maximize the public safety return on taxpayer investments in juvenile justice. By grounding probation practices in data and research, the state can better hold lower-risk youth accountable while reducing recidivism.

c) Sustain effective practices and cultivate stakeholder collaboration

Regular collection and analysis of data and outcomes are necessary to continue improving and maximizing public safety returns. By increasing avenues for collaboration across agencies, H.B. 2490 allows for efficient system management and case planning, enhancing decision-making and resource allocation.

H.B. 2490 also established a Juvenile Justice Oversight Advisory Council to oversee the implementation of the legislation.

2) In-Community Programs:

- OYS issued a Request For Proposal for Community-Based Services For At-Risk Youth to address the needs of at-risk youth and their families statewide. Service areas included Life Skills Development, Project-Based Cultural Programs, Truancy Prevention and In-School Suspension Programs, and Parent Partnerships. A total of \$2,588,000 was awarded to community providers and state and county departments for the services to begin in FY 2015.
- OYS partnered with the Hawaii County Office of the Prosecuting Attorney to implement a juvenile justice intake and assessment center in East Hawaii. The assessment center provides an array of services for at-risk youth who have been arrested for minor or status offenses, identifies their needs, and links them and their families with appropriate services.
- On Oahu, OYS is in its implementation phase to establish a new juvenile justice diversion system designed to steer youth away from the juvenile justice system to a pathway of supportive programs to help them address those issues that may be leading to risky or harmful behavior. The goal is to offer youth the avenues to

overcome challenges that lay at the root of their actions and to realize their own kuleana as valuable and gifted members of our communities. Youth who would have previously been arrested for status offenses and first-time misdemeanor offenses will be given a civil citation with the opportunity to connect directly to an elder and counselor at an Assessment Center who will help them find an appropriate pathway of actions or programs so they can better address the challenges they may be facing. For first-time misdemeanor offenses, youth can avoid having the citation proceed to an arrest if they complete their program plan. The goal is to support our youth to become engaged, healthy, contributing members of our society. This initiative follows a nationwide shift in juvenile justice policy based on successful models and the latest research on adolescent development. This shift is towards a more collaborative, restorative approach in order to address the “root” of the issues youths are dealing with, such as hardships at home, substance abuse, past trauma, depression, or difficulties in school. This model is family centered and youth driven with an emphasis on healing, restitution, forgiveness and reconciliation

- On Maui, OYS continued collaboration with the Maui Police Department’s P.O.I. (Positive Outreach Intervention) project, a diversionary program that addresses the lag time between arrest and initial court hearing for youth arrests. The OYS also worked with the Maui Judiciary to assist with their training needs and probation practices to more effectively serve youth involved with Family Court.
- On Kauai, OYS continued partnership with the Kauai County Office of the Prosecuting Attorney to operate the Teen Court Program for youth offenders. The diversionary program aims to provide an alternative process to hold youth accountable through a peer driven approach rather than the traditional court system. The program includes components such as a volunteer judge, letters of apology, community service, and other character building skills development. The OYS also collaborated with the Kauai Office of the Mayor to offer a program to address youth suspensions from schools, including services such as tutoring, mentoring support, anger management and substance abuse prevention.
- The OYS continued collaboration with the Judiciary, the Family Court, and the Juvenile Justice State Advisory Council to continue the implementation of the Juvenile Detention Alternatives Initiative (JDAI) under the guidance of the Annie E. Casey Foundation. Implementation of JDAI core strategies help to eliminate inappropriate or unnecessary use of secure detention, minimize failures to appear and incidences of delinquent behavior, redirect public finances to successful reform strategies, improve conditions in secure detention facilities, and reduce minority over-representation in the juvenile justice system.
- The OYS continued to provide training of the Why Try curriculum for government and private sector providers to address the needs of youth at-risk for truancy

that have not responded to more traditional academic settings and programming. The OYS also continued to support training in suicide prevention for at-risk youth through participation on the Oahu Prevent Suicide Hawaii Task Force. OYS co-chaired the planning for the annual suicide prevention and healing conference held in November 2013.

- The OYS continued to provide funding for the Parent Project, an eight week parent training curriculum for parents of teenagers who may experience difficulties in various domains such as the family, peers, school and community, through collaboration with trained facilitators from the Department of Education. Parent Project sessions were implemented at various school locations on Oahu and Hawaii islands.
- In collaboration with the Resources for Enrichment, Athletics, Culture and Health Program (REACH), the Lieutenant Governor's initiative to provide quality afterschool programming for middle schools, the OYS participated in planning efforts to implement an appropriation by the 2014 Legislature toward funding \$500,000 for services, activities, and programs in safe, structured learning environments.
- The OYS also continues to work closely with the courts in all four judicial circuits to expand community-based treatment and monitoring as alternatives to confinement at the youth correctional facility. The Intensive Monitoring Services and Day Treatment services contracts that resulted from the FY 2012 Requests for Proposals concentrate on meeting the needs of adjudicated youth on probation as a means of decreasing the number of commitments to HYCF.

C. Hawaii Youth Correctional Facility (HYCF)

1) Achievements in FY 2014

Admissions to the HYCF continued on a downward trend in FY 2014.

Additional programs and services continued to be developed and implemented to expand the rehabilitative opportunities available to youth. Activities such as slam poetry, yoga and creative writing and arts, and guide dog training have been implemented to help with personal and social skill building for the youth.

HYCF continued collaboration with Project Kealahou to enhance gender specific programming for incarcerated girls continued to positively impact the girls at the facility. The project is funded through a federal SAMHSA (Substance Abuse and Mental Health Services Administration) grant awarded to the Hawaii Department of Health. The project focus is two-fold. Advocates/counselors from the program work directly with the girls who have been the victims of trauma. Additionally, it provides trauma-informed

training for the Youth Correctional Officers to enhance their sensitivity to trauma-related issues and to broaden the skill base and knowledge of those who work with the female population.

The HYCF continues to evaluate operations against national standards, remedy deficiencies, and upgrade the quality of correctional programs and services. The recognized benefits from such a process include improved management, a defense against lawsuits through documentation and the demonstration of a “good faith” effort to improve conditions of confinement, increased accountability, enhanced public credibility for administrative and line staff, a safer and more humane environment for personnel and offenders, and the establishment of measurable criteria for upgrading programs, and personnel, on a continuing basis.

HYCF, through the support of the Office of Youth Services, is working closely with the courts to ensure that any commitment to the facility is a “last resort” after all community-based services have been exhausted, and is further based on ensuring public safety. The identification of community based programs as alternatives to incarceration is ongoing. Furthermore, the expanded use of parole has shown not only to enhance youths’ transition back to their home communities, but has had a positive impact on maintaining the facility’s average daily population near its maximum capacity.

Major initiatives that HYCF administration continue to support and encourage include:

- Continue development of facility Policies, Procedures and Practices that are Juvenile Justice appropriate.
- Provide ongoing Staff Training for HYCF direct care staff, social workers, and other staff on Juvenile Justice/Juvenile Corrections Best Practices. To better equip staff with skills and knowledge needed to provide a safe, secure and nurturing environment for the youth in the state’s care and custody.
- Continue to strengthen communication between the Judiciary and State Agencies [Department of Health (DOH), Department of Education (DOE), Department of Human Services (DHS)] and OYS/HYCF to ensure the delivery of appropriate services for youth in a seamless and collaborative manner.
- Continue to enhance and expand in-facility programs and services to better prepare youth for reintegration back into community. For Quality Assurance, HYCF continues to monitor facility progress through a Performance-based Standards program to assess and evaluate facility progress and the conditions of confinement.
- Building partnerships with various public agencies including DHS, DOE, DOH, Family Court, various county agencies including law enforcement agencies, and non-profit agencies have continued in order to better coordinate the State’s efforts in providing services to youth. A Multi-Disciplinary Team approach comprised of DOE, DOH, HYCF, Contract Service Providers, youth and parents are involved in the development of the youth’s Individual Service Plan and reintegration back into the community. HYCF continues to provide an intensive Aftercare/Reentry Program

through the Parole Section for youth transitioning out of the HYCF and returning to their families/communities.

2) OYS Focus in FY 2015

- Enhance services and programs to best meet the needs of adjudicated youth on probation; to prevent further penetration into the juvenile justice system; to reduce recidivism; and to maximize opportunities for youth to become productive, responsible citizens.
- Ensure adjudicated youth are placed in the least restrictive environment possible – without jeopardizing public safety, consistent with nationwide best practices.
- Ensure fair and equal treatment for all youth, regardless of race/ethnicity and reduce disproportionate minority contact at the decision making points in the juvenile justice system.
- Implement the provisions of H.B. 2490, to increase public safety, hold juvenile offenders accountable for their actions, and reduce costs to Hawaii taxpayers by maximizing the public safety return on Hawaii’s juvenile justice investment.
- Continue to implement pilot Assessment Centers (with a civil citation component) to provide an array of services for juveniles who have been arrested or are at-risk for involvement with the juvenile justice system, including performing in-depth assessments, facilitating access to services, and developing connections with other community resources in a culturally appropriate manner.
- Increase community based, family-focused treatment interventions, with emphasis on culturally appropriate service delivery.
- Actively participate with DHS, DOE, DOH and the Judiciary to implement “Wrap Hawaii” – a collaborative pilot program to more effectively address the complex needs of at-risk youth through integrated case planning between agencies.
- Participate in the Juvenile Detention Alternatives Initiative (JDAI) Program that promotes detention reform efforts and alternatives to incarceration.
- Improve provider accountability to ensure that youth programs meet the needs of children and communities. Improve access to services and working relationships between stakeholders such as Family Court, CAMHD, DHS-CWS and OYS through quarterly meetings hosted in each circuit.
- Collect outcome data to improve program performance and youth success.

- Prioritize youth needs and enhance fiscal responsibility to ensure that moneys are being directed to meet the most serious needs of youth.
- Continue to improve conditions and programs at the HYCF.

3) Provider Focus in FY 2015

- Improve reporting systems and reduce paperwork for both contractors and the OYS.
- Provide leadership, coordination, technical assistance and training opportunities for contractors, HYCF staff, and the community.
- Maintain continuity in programs and services for youth and their families.
- Explore partnerships with public and private funding resources to maintain and enhance service capacity for the community.