



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

## **JUVENILE JUSTICE STATE ADVISORY COUNCIL COMPLIANCE COMMITTEE MEETING**

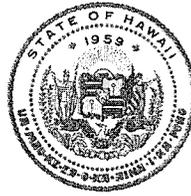
**March 3, 2016  
10:00 a.m. to 1:00 p.m.  
Kapolei Police Station, Conference Room  
1100 Kamokila Boulevard  
Kapolei, Hawaii 96707**

### **AGENDA**

- I. **Call to Order**
- II. **Review Juvenile Justice State Advisory Council (JJSAC) Compliance Committee December 10, 2015 Minutes** **Attachment A**
- III. **Compliance Monitoring Updates**
  - A. PREA Update
  - B. Compliance Monitor Reporting Period
  - C. Juvenile Arrest Report - Unknown
  - D. JJSAC Trainings
  - E. Olelo Video Project
- IV. **County Reports**
  - A. Maui County – Lieutenant Jeraul Pladera
  - B. Hawaii County – Lieutenant Lucille Melemai
  - C. Honolulu County – Sergeant Barry Tong
  - D. Kauai County – Lieutenant Kennison Nagahisa
  - E. Sheriff – Lieutenant Gary Saiki, Kauai County Sheriff Commander (Statewide)
  - F. Judiciary – Meridith Russell (Statewide)
- V. **Announcements**
  - A. CJJ 2016 Annual Conference – April 20-23, 2016
- VI. **Next Meeting**

Tentative - Thursday, May 5, 2016
- VII. **Adjournment**

This meeting is open to the press and public. For more information, contact John Paekukui, Office of Youth Services Compliance Monitor, Juvenile Justice Program at (808) 587-5735.



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March 3, 2016  
10:00 a.m. to 1:00 p.m.  
Kapolei Police Station Conference Room  
1100 Kamokila Boulevard  
Kapolei, Hawaii 96707

### MINUTES

**Present:** Ronald Nakamichi, Chair  
Lt. Lucille Melemai, HPD, Hilo  
Lt. Kennison Nagahisa, KPD  
Lt. Jeraul Pladera, MPD  
Meridith Russell, Juvenile Client & Family Services Administrator, 2<sup>nd</sup> Circuit  
Lt. Gary Saiki, Kauai Sheriff Commander  
Sgt. Barry Tong, HPD

**Absent:** Jaque Kelley-Uyeoka, Hale Kipa, Deputy CEO Outreach

**Staff:** John Paekukui, Compliance Monitor, Juvenile Justice Program  
Ana Mejia-Vasconcellos, Juvenile Justice Program Specialist  
Leimomi Fernandes-Otake, JJ Administrative Assistant

#### I. Call to Order

Chair Nakamichi called meeting to order at 10:36 a.m. and thanked members for their attendance to site visit the new Waianae Police Station. Chair Nakamichi wished the ladies Happy Girl's Day. Chair thanked Sgt. Barry Tong and his assistant, Officer Cynthia Sanders for hosting/coordinating the meeting. Introductions of guests and Andrew Aoki of Islander Institute summarized role to refine the 3-Year Plan, build capacity on data, youth engagement, priorities and activities. Announced Merton Chinen is the new OYS Executive Director.

#### II. Review Juvenile Justice State Advisory Council (JJSAC) Attachment A Compliance Committee December 10, 2015 Minutes

Chair asked for review of the December 10, 2015 minutes. Lt. Gary Saiki made a motion to approve the December 10, 2015 minutes with the corrections, seconded by Lt. Jeraul Pladera, and the motion was passed unanimously. No discussion.

#### III. Compliance Monitoring Updates

##### A. PREA Update

John Paekukui reported the policies and procedures are still with the union. Once approved, will be sent to the Moss Group for TTA. Ana Mejia-Vasconcellos submitted an MOU to AG for HYCF and a sex abuse center for treatment; if any reports, an investigator works with the center to collect evidence.

Paekukui discussed the OJJDP determination letter stating in compliance of all 4 core requirements. Paekukui noted the Formula grant bases everything on formulas. Thus, depending on the numbers of juveniles, allowed so many violations. However, it takes only 1 violation if youth is placed in an adult facility. In 2009, HYCF could send a youth to OCCC if the Family Court Judge authorized. However, in 2010, the law changed, and no longer can send youths to adult facilities. The Separation of Juveniles from Incarcerated Adults (SSS) is extremely strict with the federal. Concerned adult female inmates are used to work at HYCF, which causes the kids to be locked down due to the SSS. This could lead to a SSS violation, which puts Hawaii out of compliance and penalized 20%. The result is to use the remaining 50% of funds to address the violation. Meredith Russell concerned about the practice. Action: Paekukui to inquire if accidental or continual the use of adult female inmates at HYCF and to address issue with Merton Chinen.

#### B. Compliance Monitor Reporting Period

Paekukui reminded the change in the reporting system from the calendar to the federal fiscal. To date, 1 violation for Deinstitutionalization of Status Offenders (DSO) and 2 violations for Jail and Lockup Removal (JLR), based on the Formula grant formulas. The JLR is for holding youth more than 6 hours in the Big Island and locked up a runaway in Honolulu (counted as 2 violations). Paekukui to complete a one-page summary of the compliance report and responsibilities per the retreat request. Action: Paekukui to write summaries for SAG.

Chair discussion to attend next SAG meeting to get a feel of the council and to hold the Compliance Committee meeting prior on May 19, 2016.

#### C. Juvenile Arrest Report – Unknown

Chair follow-up to the “unknown” for ethnicity in the JCA Report. Common response is “I don’t know,” so the officer will log “unknown” and the self-reporting of Hawaiian youth, even if only 1/8 or less. The “other” is also a concern, so asked counties to remind officers of the importance of the ethnicity. Paekukui suggested language cards for the Pacific Islanders similar to the judiciary; discussion to collaborate as department to share the certified translation costs. Referenced a federal conference addressing the issue of kids identifying with the ethnicity they were raised. Thus, if the a youth is Japanese, but say Hawaiian, because it is the ethnicity raised, should log Hawaiian. Programs are identified by ethnicity, but the federal wants the race.

Sgt. Barry Tong advised of new reporting system and inquiry as to how to evaluate the reports; “unknown” is also “other.” Russell inquired why “unknown” and is it due to language. Response is youth knows, but not disclose. Officers avoid confrontation, but the information is critical. Possible JJS expand listing for the Micronesians. Action: Paekukui to write letter to Chiefs from Merton Chinen to address “unknown” and “other.” To stress the importance to get more information for programs and to address problem areas. Paekukui to write letter to JJS from Merton Chinen to expand the listing to include the Micronesian nations.

Russell noted when the police reports are forwarded to the Family Courts, the youth bring their birth certificate and change ethnicity to match. The same if the youth has any Hawaiian, designates the youth as Hawaiian versus the youth who does not identify as Hawaiian; got to select Hawaiian. Paekukui noted the practice is a concern.

Mejia-Vasconcellos reviewed the “unknown” and “other” numbers by counties for 2012-2014. Lt. Kennison Nagahisa reported the juvenile clerk retired and possible the replacement is not up to speed; will advise contact of the “unknown” and “other” issues. Action: Mejia-Vasconcellos to disseminate the county numbers to designed representative.

D. JJSAC Trainings

Paekukui summarized the statewide trainings for DMC using the Connecticut Training for all counties, except Kauai. The second round of Train-the-Trainers included 4 from the Big Island, 4 from Oahu and 24 from Maui. Reminded the trainers are responsible for training their officers and to expand follow-up training to the rest of the department. MPD completed Kauai training for 2 SROs versus the beat officers who really need the training. For future trainings, will request list of officers, as well as unit to maximize the training resources. Approved to make tweaks to the training tools to localize to Hawaii, which MPD trainers are in the process and OYS was to work with Olelo for a video. Russell inquired specifics of the training; how police officers interact with youth. Sgt. Tong offered the HPD technical video staff to work with MPD if a video is necessary due to the in-house production unit; with a script the unit can incorporate all islands. Lt. Nagahisa responded the Kauai turnout could have been due to a misunderstanding of the purpose of the training; designated only for the SROs and it was not clear the training intent is for the patrol officers. Action: Lt. Pladera to inquire with trainers if there is a need for a video. Sgt. Tong to check if the HPD trainers completed any training and the number of staff trained.

Paekukui to conduct statewide sheriff trainings on the federal government rule to train staff if handle both adults and juveniles; the individual must be trained specifically on the handling of juveniles. Also to include the facility classification, especially if the facility is classified as a "Lockup," the rules differs from the 6 hours rule. An example is when the Judge sees a youth in the morning, but the youth is held after the hearing; this becomes a violation. Thus, the staff needs to be trained as to where they can hold the youth for the second hearing. The same for juveniles held overnight, because arranging a flight to transport youth to Oahu the next day; uses the Rural Exception rule, but it only applies to the first hearing and this may count as a violation, because held past the 6 hours rule.

Reminded the Rural Exception is for the first hearing only and the reason did not revise the Maui Judiciary classification; it is not a "Lockup." Kauai and the Big Island are classified as juvenile facilities per OJJDP liaison. Action: Paekukui to report the status of the statewide sheriff MOA with HYCF.

E. Olelo Video Project

Discussed the localized video for training earlier.

**IV. County Reports**

A. Maui County - Lieutenant Jeraul Pladera

Lt. Pladera reported launched the Molokai POI project in December, the program is growing and performing well. Four strong community partners using DMC practices: Sustainable Molokai (life lessons and basic carpentry skills); Aina Hula Ouna (Hawaiian plants, care and the significance); Molokai Canoe Club (help with shoreline cleanup and handling of a canoe); and Ka Honua Momona (fishponds restoration and the invasion from the mango), and the dedicated police officers work with the counselors. Molokai is predominately made up of Hawaiians and unfortunately, the youth that get into trouble. Asked to do a presentation in Oahu for Incarcerated parents. By September, the project should be ready for a site visit.

B. Hawaii County - Lieutenant Lucille Melemai

Lt. Luci Melemai reported no programs, short staffed and a canine on board from last year to help with investigations. The unit is now part of the criminal investigation section and works cases, which takes away from their regular duties.

C. Honolulu County - Sergeant Barry Tong

Sgt. Tong reminded a large International Union of Conservation Naturalist from 126 countries and over 100,000 members are meeting at the Hawaii Convention Center from September 4-10, 2016; bringing

55,000 protestors against TMT. President Obama is attending, along with the Secretary of the State; similar to the APEC. The HPD is on notice of no time off from August 28-September 17, 2016. Suggested the Molokai meeting after September 17, 2016 because Honolulu will be inundated with the crowds.

The juvenile justice section is in compliance, but a large number of complaints for juveniles in the parks at night in District 1: central Honolulu and the big parks. The result is a juvenile enforcement detail to do park swipes at night for prohibition and park closure, which has spiked the juvenile stats, especially with the south Pacific Islander group. The first night, arrested 20-30 on the criminal side versus the status offenses, which doubled to 40-50 arrests for curfew and runaways. The popular parks are Ala Moana, Kakaako, Kurt Wright Field and Makiki, all within a 5 miles radius, which has become a certain ethnic group hangout. The problem is continuing and alarming in comparison to the Samoans when first introduced to Hawaii; the elders controlled the Samoan kids, but the Micronesians are out of control.

The state-of-the-art Waianae Police Station will officially open in a couple of days and the Grand Opening will probably occur during the Police Week for the media.

D. Kauai County - Lieutenant Kennison Nagahisa

Lt. Nagahisa reported loss of the administrative sergeant, who was on modified duty, but assigned another sergeant from the detective unit; will train on the cell block handling. Apologized for not attending the SAG Retreat training, but a last minute conflict with an assigned training. Thanked Paekukui for the last compliance visit and classifying the Hanalei Substation as an "Adult Lockup." The Waimea Police Station still does not have cells and the work is in progress. Will work with the new juvenile clerk to modify the "unknown" and "other" when processing the juvenile paperwork.

E. Sheriff - Lieutenant Gary Saiki, Kauai County Sheriff Commander (Statewide)

Lt. Saiki reviewed the Kauai stats of only 3: 1 youth held overnight in detention and the other 2 youths held for hearings. Apologized for not get the other jurisdictions stats.

F. Judiciary – Meridith Russell (Statewide)

Russell serves on the statewide Act 201 group, which is busy to implement the law/requirements with a lot of changes to the handling of juveniles on probation. Monthly meetings with subcommittees to get policies passed and making progress. Also to obtain a statewide risk assessment tool, called YASI, which the training will start in May; now all circuits will use the same assessment tool.

Maui Judiciary working heavily on alternatives to detention; the POI is working well and do a lot of court diversion, so the Maui stats are down. 60 juveniles on probation for the county, which includes Molokai and Lanai. The result is the loss of one position because the stats have gone down.

The significances of Act 201 laws, changes the ways to handle juveniles on probation, and unifies all the circuits to follow the same guidelines. Now, when a youth is placed on probation, it has to be a specific amount of time in years and months versus the variations of till age 18, the next court order or 1 year.

The procured assessment tool will establish criteria to detain a juvenile versus the decision of the circuit. Prior, if a youth committed a minor offense, the youth was sent to HYCF. Now, the offense must meet the standardized guidelines and only if the youth commit a felony or a probation violation, then the juvenile will be sent to HYCF; not for any other offense.

**V. Announcements**

A. CJJ 2016 Annual Conference – April 20-23, 2016.

Mejia-Vasconcellos summarized the attendees at the conference, shared the CJJ background and the Reauthorization opposition by one Senator. Fernandes-Otake outlined the CJJ Hill Day appointments with the Hawaii Congress Members.

**VI. Next Meeting**

Tentative - Thursday, May 5, 2016

Discussion of the next meeting changed to May 19, 2016 and the time to 9:00 AM to 12:00 PM to attend the SAG meeting. Sgt. Tong made the motion to change the next meeting date and the time to attend the SAG meeting, seconded by Lt. Saiki, and the motion was passed unanimously.

Discussion to change the September meeting to Saturday, September 24, 2016 to site visit the Molokai POI Project. Molokai travel schedules to be advised and discussed at the next meeting.

Action: Fernandes-Otake to work on travel and give the flight information to Lt. Pladera to coordinate the visit.

**VII. Adjournment**

Lt. Nagahisa made a motion to adjourn the meeting, and seconded by Sgt. Tong. There being no further discussion, the meeting was adjourned at 12:55 p.m.

Respectfully submitted,



Leimomi Fernandes-Otake  
Juvenile Justice Administrative Assistant