

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

October 13, 2016

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: Lt. Gary Saiki, Kauai Sheriff Commander, Chair
Lt. Lucille Melemai, HPD, Hilo
Lt. Jeraul Pladera, MPD
Sgt. Barry Tong, HPD
Jaqueline Kelley-Uyeoka, Hale Kipa, Inc., Deputy CEO Outreach
Meridith Russell, Juvenile Client & Family Services Administrator, 2nd Circuit

Absent: Lt. Kennison Nagahisa, KPD

Staff: John Paekukui, Compliance Monitor, Juvenile Justice Program
Cyndy Pierce, Juvenile Justice Program Coordinator
Ana Mejia-Vasconcellos, Juvenile Justice Program Specialist

I. Call to Order

Chair Lt. Gary Saiki called the meeting to order at 10:05am.

II. Review Juvenile Justice State Advisory Council (JJSAC) Compliance Committee May 19, 2016 Minutes

Attachment A

Chair Saiki asked for review of the May 19, 2016 minutes. Chair Saiki asked for a motion to approve the agenda. Meridith Russell corrected item IV.E, fifth sentence to read "the initiative is reducing out of home placements for youth." Lt. Lucille Melemai corrected item IV.B, second sentence to read "...conducting investigations for sexual assaults, domestic violence, homicide and other..." Jaque Kelley-Uyeoka made a motion to approve the May 19, 2016 minutes, second by Lt. Jeraul Pladera, and the motion was passed unanimously.

III. Compliance Monitoring Updates

A. PREA Update

Cynthia Pierce reported that the mock audit was conducted at the Hawaii Youth Correctional Facility (HYCF) in September, the report was received in early October. HYCF conducted a policy update via a report submitted 9/23/16. The Office of Youth Services (OYS) applied for the Prison Rape Elimination Act (PREA) Reallocation funds, in which was awarded for about \$6,400. Kelley-Uyeoka asked if the funds are intended for training. Paekukui responded yes,

originally they were intended for training. Pierce added that HYCF has also been utilizing the funds to upgrade their camera system. Paekukui commented that the next step would be to have trainers from the mainland to conduct training to HYCF.

B. Compliance Monitor Report

Paekukui reported that the compliance reporting will be completed for the federal fiscal year beginning October 1, 2015 and ending September 30, 2016. Paekukui is requesting that the police department provide logs of all the juveniles that came into the facilities. The logs are needed for verification purposes. Paekukui stated that he will be visiting all stations and facilities within the next two months, submitting the compliance report to OJJDP by January 31, 2017. Paekukui reported that there have been 3 violations to date, due to holding juveniles more than 6 hours. If OJJDP passes the proposed regulation, Hawaii would be out of compliance. Paekukui continues to follow guidance as it has been in the previous year and will continue until proposed regulations are approved. Family Court has a lot of potential for violations because they have many juveniles coming in for running away, some for contempt of court, but when you look at the record, they have never been arrested for law violation. Even though they are contempt, they are considered status offenders. Youth can then be sent to detention home and unknown how long they stay there. Paekukui can provide a summary of the compliance report to offer to the committee when the report gets completed. ACTION: Paekukui to provide a summary report of compliance results.

OJJDP encouraged states to submit comments, recommendations for the new proposed regulations by October 7, 2016. Paekukui stated that the state of Nevada has submitted comment indicating that what OJJDP is doing is against the law, they have stated that OJJDP cannot issue out policy because it needs to go to legislation. Other states have commented that if OJJDP approves the policy, they may not be able to afford to stay in the Act as it is costing states more to hire more staff to oversee compliance. Hawaii submitted comment to asking to look at the different changes and make exceptions to the rule such as status offender in the police station. Paekukui provided the committee with sample report from the state of Oregon to demonstrate some practices that they have implemented. Handout titled "Reporting Instructions" provides the police with guidance on how to fill out the report. "Runaway Child Report" has a statement on the second page for parents to give authorization to transport the child to the police department. Oregon is stating that with this statement they are able to take status offenders to the police station. For a runaway on the street, police is able to obtain consent from the parent through the phone. If the parent is not available, then they take the youth to the police station and then get consent from the parent when they are able to get in contact with the parent. Oregon has reported success in these practices. A sample of the "Juvenile Custody Log and Report" was provided as a sample. The last two samples provided states that "No Juveniles Beyond this Point" and "Secure Custody of ...is prohibited," this helps and reminds officers that juveniles are not allowed in certain areas. Paekukui inquired with OJJDP if Hawaii can have a police facility that can be classified for juveniles only. A response was provided by Elisa Rumsey, confirming that it can be done, however cautioned to ensure than adult prisoners don't go to that facility.

Paekukui asked Police Department what would be the best way to request the listing of juveniles (arrested or entered) regardless of offense. Paekukui needs to verify that the

juveniles have not been held for more than 6 hours. Sgt. Tong stated he can provide. Lt. Melemai stated that a request needs to be placed to records for the IT department to pull up the information needed. Lt. Pladera suggested listing all the information needed in the letter to the Chief as proposed by Paekukui. ACTION: Paekukui to send a letter to the Police Chiefs to request logs of juveniles, listing information or data needed.

Lt. Melemai referenced Oregon's practice to obtain consent from the parent to take into the police station, adding that it's not too often that the youth is causing trouble at home and parents ask police to take the youth. Parents will make a report of a runaway youth and police later find the youth sleeping during the night. The youth is taken into the station and police department is unable to get in contact with the parent. Youth can go to BIJIAC, but BIJIAC is not going to be able to sign as their representative, protective custody may be issued due to imminent harm, in which CPS can sign for the youth. Melemai that there are many situation to consider. Paekukui commented if youth is taken in for protective custody, and it's not an offense, therefore you cannot list the juvenile into police custody. Russell commented that Maui doesn't have a 24 hour shelter. Maui Youth and Family Services has a shelter, but they will place the youth in a foster home. Kelley-Uyeoka asked if anything has changed for Honolulu Police Department. Sgt. Tong responded that there hasn't been any changes to the operating procedures, he confirmed that youth are being taken to the police station, processed and then taken to Hale Kipa, unless they are status offenders. For status offenders the officer will make contact with the parent, if unable to make contact they take to Hale Kipa. Status offenders do not get taken into the police station. Kelley-Uyeoka commented that Hale Kipa has an hour to respond, in which the youth may be waiting in the police car. Lt. Melemai asked Kelley-Uyeoka if they have criteria of youth they take in. Kelley-Uyeoka commented that they do not turn anyone away.

Meridith asked Paekukui for confirmation that a status offender who is arrested for contempt of court cannot be detained. If a minor is on legal status, protected supervision as a form of probation and violates their protected supervision or fail to appear in court, then they can be charged with contempt of court or held. Paekukui stated that the arrest has to be for the violation of probation.

Lt. Melemai suggested that this scenario be specified in Paekukui's letter to the Chiefs. Paekukui reported that he spoke with Judge Alley Auna from Hawaii island about this scenario and stated that Kona is adding on the warrants not to send the youth to the police station, but rather to a juvenile facility. Lt. Melemai commented that there were no youth facilities in the island of Hawaii, but there are emergency shelters. Paekukui stated that Judge Auna will bring it up at the Judge's meeting. Further commented that Kauai had a violation by arresting a youth with contempt and the youth didn't have a criminal violation. Judge Auna offered to talk with Judge Acoba from Kauai on the situation, so that in this scenario the youth doesn't get taken to the police station. Chair Saiki commented that Kauai has conditional warrants that say to pick up the youth during working hours 8am-4pm and take the youth directly to the court, where the PO will interview and watch the youth. The police are unable to execute the warrant during off hours. ACTION: Paekukui talk with Judges on the JJSAC to come up with a plan of action for this scenario, taking a youth to the police station for contempt of court as a status offender.

C. JJSAC Trainings

1. Number of Train the-Trainers

Paekukui reported that there has been no trainings provided, therefore the training thus far remains more than 78 officers trained, as stated in the minutes of May 19, 2016.

2. Video Project Update – MPD and HPD

Lt. Barry Tong reported that he can talk to the video department at HPD. Reported that they like to make videos and the Chief would most likely approve of the video project. Lt. Pladera reported that MPD can inquire within his department as well. Sgt. Tong commented that if JJSAC has funds to fly HPD to Maui or MPD to Oahu to work on the project? Paekukui stated that he can check on that. Sgt. Tong, also suggested that the other counties can submit a scenario based on other community/county that addresses their issues. Commented that some issues that affect Oahu, may not affect other counties and vice versa. All counties process juveniles differently, providing the example of taking youth to assessment centers. Lt. Melemai commented that even with the assessment center on the Big Island, it only services youth on the east side and are usually youth that are mellow, such as status offenders and non-violent youth. Lt. Barry commented Oahu has an assessment center, but only for youth in District 5 (Kalihi). ACTION: Paekukui to check to see if there are funds for travel to complete the video project.

3. Sheriff Statewide MOA

Paekukui wrote out the MOA, but was advised by Merton Chinen to make an exempt contract instead. Paekukui is working on the exempt contract.

D. Juvenile Arrest Report – Unknown Update by Jurisdictions

1. JJIS to expand list to include Micronesians

Sgt. Tong reported that HPD is going live with their new system November 2016. The system will have an “unknown” block to report ethnicities, but were told not to check unknown. If unable to identify, the “other” category will be checked. A memo department wide was released within HPD. Sgt. Tong indicated that he has not seen the categories of Micronesian, but the recommendation to the Department was to expand it. The department doesn’t seem too concern with this.

E. HYCF – Women Inmates Work Status

Paekukui stated that there was a concern about women prisoners going to HYCF to clean out the older buildings. OJJDP did not respond to the inquiry submitted by Paekukui, however the guidance has been that as long as there is no contact due to the sound and sight separation (SSS). Paekukui stated that it would be permissible as long as they follow SSS.

IV. County Reports

A. Honolulu County – Sergeant Barry Tong

As stated earlier HPD is transitioning into a new reporting system. The officers will be able to download evidence, incorporate booking process into one reporting system. There are new live scans, juvenile side is still doing it old school. The department is contemplating making

Central Receiving Division (CRD) an adult only facility and place juvenile processing to Kalihi. The juvenile side stays idle for long periods of the day, versus adults on the weekends is overwhelming. When juveniles come in, then it backs the process. In addition they have to ensure SSS. The county stations would process youth at their stations, currently Districts 1, 6 and 7 are being taken to town station. There are logistical issues to work out, but looking at running more efficiently. One ethnicity group as mentioned in previous meetings are still having problems. Sgt. Tong will be working with Kaleve Tufono-Iosefa from the OYS to work with these group's community leaders. The juveniles in these groups consist about 80% of the juveniles being pick up by HPD, in which create about 90% of felonies (mainly robberies).

B. County – Lieutenant Jeraul Pladera

Lt. Pladera reported that the last time Paekukui sent out a letter to the Chief regarding policy change, it got done quickly. The POI program got affected due to the recent rains that affected lao Valley where the Loi is located. The access to the loi will remain closed for a few month; the loi itself was not affected. Currently trying to figure out what the program is going to do with that. Everything else is going well. Russell, wanted to clarify that the rural exception was in effect in Hawaii. Paekukui stated that Hawaii does have the exception. Russell reported that there was a minor from Molokai being held, officer was following the 6 hour rule and even with the judge signing the order to hold past the 6 hour, the officer did not want to hold the minor. There was a miscommunication that occurred with a notice sent out regarding the policy stating that there were no exceptions. Lt. Pladera stated that there was a miscommunication and it has been worked out.

C. Hawaii County – Lieutenant Lucille Melemai

Lt. Melemai reported that Hawaii County is going into a new record system, scheduled to implement November 2017. The system seems to have better intelligence. Juvenile sections on both parts of the island don't have programs, but rather conduct investigations. Reported that years ago there were programs being implemented, but now primarily conduct investigations for sex assaults (felonies, misdemeanor), domestic violence (felonies and homicides), juvenile offenses (burglaries, status offenses), but on a smaller scale than Maui. An internal recruitment went out for Assistant Chief, due to Assistant Chief retiring.

D. Kauai County – Lieutenant Kennison Nagahisa

No report for Kauai County; Lt. Nagahisa is in training.

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

Chair Saiki reported that they have a new recruit class graduating on November 4th and will be up to full force. The majority of the class will be going to the Big Island. Kona can't retain detectives, because when an opening becomes available in Hilo, there is movement from Kona to Hilo. Gary reported a decline in youth; 2 detainees, one during the day and one night detention. In previous years there were more youth.

F. Judiciary – Meridith Russell (Statewide)

Russell commented that she likes the idea from Kauai about the conditional warrants, because they do not have a 24 hour shelter or assessment center. Maui has on call judiciary staff, so if a

youth is picked up in the middle of the night, there is a probation officer available. The new JIS system is running and working well with Maui. The input from police, prosecutors and courts is already going into the system. It's been helpful to look up history on the youth. The judiciary has implemented procedures in response to Act 201, including the utilization of the risk assessment, the YASI. Everyone has had the chance to use it and make reports. There are some bugs, but being smoothed out. Reported that it will make a difference for Maui.

G. Hale Kipa, Inc. – Jacqueline Kelley-Uyeoka

Kelley-Uyeoka reported for the Ho'okala Attendant Care Program, with 70 youth receiving services. There were 80 calls received, however 10 of those calls were canceled due to police officers being able to contact the parent. Out of the 70, 56 youth are unduplicated; one youth came in 5 times, one youth came in 3 times, eight youth twice. They went from 9 youth per month to 50 youth per month; the majority are males and older 16-17 year olds. Thirty seven percent (37%) were Chuukees/Marshallese/Micronesian, 30% were Hawaiian along with other ethnicities. Thirty six percent (36%) were for status offenses; 16 run away, 7 injurious behavior, 11 unauthorized entry, 10 theft, some assaults, criminal property damage, robberies, use of air gun and promoting harmful drug. Fifty five percent (55%) occurred in the Honolulu district and 63% were reunited with their family, 19 out of 70 youth eloped and had to call the police back. Sgt. Tong reported that there is a group of runaways who work together throughout the island. Kelley-Uyeoka reported that for the follow up they were able to get in contact with 43 families and 33 of them were stable. Two youth were part of a chaperone group from Canada and got picked up for being in Waikiki. Kelley-Uyeoka asked if the police goes through the juvenile's belongings when they get picked up. Reported that it can be a safety concern for staff, if youth have a weapons. Sgt. Tong stated that the police does not, but take their property and hold on to it. Suggested to Kelley-Uyeoka to take the youth's property and hold on to it until the parents pick up the youth.

Sgt. Tong inquired about what to do with a youth who gets picked up in Hawaii, but is in the system for running away from another state. Sgt. Tong confirmed that the youth did not have a warrant out, but rather the record came up as a missing person. Paekukui stated that they can take the youth to Detention Home (DH) due to the Interstate Compact agreement. The state where the child is from pays for the youth to be sent back to the home state. Sgt. Tong stated that the parents were going to come to pick up the youth. Russell confirmed that Maui has contacted the Hawaii Interstate Compact Administrator and they arranged and paid for the youth to be taken back to their state.

V. Announcements

Andrew Aoki reported that Islander Institute has been working with the JJSAC and Committees to revise the state 3 year plan and will be coming to an end at the end of November. Will be working with the chairs of the committees and staff to finalize the report.

Paekukui announced that he spoke with Didier Moncion, Compliance Analyst from OJJDP who has announced that there will be an OJJDP training in Dallas Texas in the coming year and will contain information regarding compliance. Moncion also announced that Hawaii is overdue for a compliance audit. There may be a compliance audit completed between May-July 2017. The audit requires site visits to facilities and may require visits to the different islands.

Paekukui commented that they will be going to different facilities than last audit and may be enlisting in the member's assistance.

Pierce announced that she's in the process of compiling dates for the 2017 quarterly meetings. The meetings will be held during the months of March, May, September and December and will remain scheduled on Thursdays for the Compliance Committee.


VI. Next Meeting

Tentative - Thursday, December 1, 2016

VII. Adjournment

Lt. Pladera made a motion to adjourn the meeting, and seconded by Kelley-Uyeoka. There being no further discussion, the meeting was adjourned at 12:00pm

Respectfully Submitted,



Ana Mejia-Vaseoncellos
Juvenile Justice Program Specialist