



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

June 4, 2015

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

AGENDA

- I. Call to Order
- II. Review Juvenile Justice State Advisory Council (JJSAC) Compliance Committee December 4, 2014 Minutes **Attachment A**
- III. Compliance Monitoring Updates **Attachment B**
 - A. 2014 Compliance Monitoring Report
 - B. Connecticut Police Youth Development Training Report
 - C. Sheriff's Training Report
 - D. PREA Update
 - E. Rural Exception – Hawaii County Incident
- IV. County Reports
 - A. Honolulu County – Sergeant Barry Tong
 - B. Sheriff – Lieutenant Gary Saiki, Kauai County Sheriff Commander
 - C. Maui County – Lieutenant Jeraul Pladera
 - D. Judiciary – Meridith Russell
- V. Announcements
- VI. Next Meeting
Tentative - Thursday, September 3, 2015
- X. 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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MINUTES

Present: Ronald Nakamichi, Chair
Lt. Jeraul Pladera, MPD
Lt. Gary Saiki, Kauai Sheriff Commander
Sgt. Barry Tong, HPD
Meridith Russell, Juvenile Client & Family Services Administrator, 2nd Circuit

Absent: Lt. Lucille Melemai, HPD, Hilo - Excused
Lt. Kennison Nagahisa, KPD - Excused
Jaque Kelley-Uyeoka, Hale Kipa, Deputy CEO Outreach - Excused

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

I. Call to Order

Chair Nakamichi called meeting to order at 10:10 a.m. Formal introductions of the new committee members and Chair shared the background of the Compliance Committee.

**II. Review Juvenile Justice State Advisory Council (JJSAC) Attachment A
Compliance Committee December 4, 2014 Minutes**

Chair asked for review of the December 4, 2014 minutes. Lt. Gary Saiki made a motion to approve the December 4, 2014 minutes, seconded by Sgt. Barry Tong, and the motion was passed unanimously.

III. Compliance Monitoring Updates

A. 2014 Compliance Monitoring Report

John Paekukui reviewed the purpose of the committee, the role of the committee to approve the 2014 Compliance Monitoring Report and the report approval by the full body for submission to OJJDP. Discussed the components of the report: the 3 Core Requirements and the DMC Requirement, but added PREA into the report. Noted the change of the report format from the hardcopy to a new reporting tool; requesting review and approval to submit the information into the new report format.

Paekukui highlighted sections of the report. Page 2 - the facilities to visits. Page 3 - the violations occurred; 1 violation for Status Offenders; a HPD officer was unaware of the regulations and put a runaway in lockup because of a letter from a judge. Page 5 - no violations of the Sight and Sound Separation; to keep juveniles sight and sound separated from adult prisoners. Page 6 - 4 violations for

the Jail Removal; 3 at HPD's secure facility; detectives thought could hold beyond the 6 Hours Rule, because of a major robbery case and did not have enough time to finish the paperwork. The other violation in the Big Island for holding a juvenile beyond the 6 Hours Rule.

Paekukui noted certain neighbor island circuits do not have detention homes, so entitled to the Rural Exception; can hold juveniles beyond the 6 Hours Rule, up to 48 hours if apprehended for a criminal violation, but does not apply to status offenders or non-offenders. The Big Island held 13 juveniles and Kauai held 4 juveniles using the Rural Exception. The Monitor Universe lists all facilities in the state that can hold juveniles.

Paekukui explained why the violations took place and what actions took to correct the violation from reoccurring. Chair asked for the approval of the report information to transfer into the new format. Lt. Jeraul Pladera made a motion to approve the report information, seconded by Lt. Saiki, and the motion was passed unanimously.

Lt. Pladera inquired what happens if the youth lies about their age. Paekukui responded of an incident of a 16 year old claiming older and was sent to WCC. However, after a month, the juvenile made an age claim to transfer to HYCF; it is not a violation if the juvenile lies about their age.

B. Connecticut Police Youth Development Training Report

Paekukui reported trained 63 police officers statewide from a federal grant last year. Completed the Train-the-Trainers in February at the MPD Kihei Police Station; 4 HPD, 4 Big Island and 15 MPD. Kauai did not receive training because did not respond to the training offer. Trainers can now train statewide; working on a local Hawaii version video. Chair inquired if procedures in place to conduct future training. Sgt. Tong suggested incorporating the training to all police trainings such as ART, annual and recruits. Also requested list of attendees. Lt. Pladera requested to train the recruits to work together and to integrate the current polices. Action: Paekukui to disseminate the list of training attendees. Paekukui to follow-up on future statewide trainings by Hawaii's trainers.

C. Sheriff's Training Report

Paekukui reported the reason for the Sheriff Training is because of the mandate by federal that law enforcement who works with both adults and juveniles, must be trained. Sheriffs on the neighbor islands hold juveniles overnight. The National Center for Youth in Custody (NYC) from Michigan made contact and completed the curriculum to Hawaii's needs; "Surviving the Night with a Juvenile Offender". Shared the background of the trainers: 1. A former juvenile teacher then later became a principal. 2. A sheriff then became a guard at a juvenile facility in Indiana.

Lt. Saiki reported a good feedback and attendees enjoyed the training. Suggested annual training for a refresher and to include the other islands. Also good for Honolulu even though do not hold juveniles, but good training to know and learn about juveniles. Action: Paekukui to work with Lt. Martin on the curriculum. Paekukui to schedule annual trainings.

D. Prison Rape Elimination Act (PREA) Update

Chargualaf reported very few states are in compliance with PREA. The federal has forced state juvenile facilities to be involved with PREA, yet failed to follow their own guidelines. Before a state can be in compliance, the state must have an audit; but there are no auditors because the federal is in the process of training PREA auditors. State funding to be in compliance is very small, but the state can request technical assistance for PREA training. HYCF is require to have training; Richard Mello is the state coordinator and attended the PREA training; posters for the facility and sex assault brochures to disseminate as well. HYCF's 15 policies were changed to follow PREA guidelines. Also upgraded training

for the regular staff to 40 hours; completed the first graduation training on May 15. Also drafted a MOA for a sex treatment center and facility. Preparing for a mock audit in preparation for the formal audit in August 2016.

Lt. Saiki reported the corrections were trained 1 ½ of the 8 hour class versus 40 hours in class; did get the posters. Sgt. Tong reported got the training, but did not get the posters. Lt. Pladera reported going through the PREA compliance now. Paekukui reported the detention facilities do not follow the same rules, because they are different from HYCF.

E. Rural Exception – Hawaii County Incident

Paekukui reported the incident of a HYCF juvenile who returned to the Big Island, but did not follow probation. The Hilo Police Officer stopped the youth on an unrelated status offense and learned HYCF had juvenile detention order for the same youth. HYCF called the sheriff to hold the juvenile, but the sheriff refused due to no MOA with HYCF; cost to pay for clothes, slippers, food and medication, even though Hipp is ok to cover the expenses. Hilo Sheriff requesting an MOA with HYCF, which Hipp is working on the draft.

Meridith Russell reported the police handle the parole. Action: Paekukui to disseminate Retake Order. Russell also noted that Maui now has a HYCF parole officer on island; Kawewehi Pundyke. Action: Paekukui to disseminate the HYCF parole officers' names for the neighbor islands.

V. County Reports

A. Honolulu County – Sgt. Barry Tong

Sgt. Tong reported the Language Access Ability issues statewide; result of a case where a person died out of custody. Claiming did not understand what the officer was saying because typically only know 2 words: yes or no. The officer asked if needed medical assistance or help, but the person responded no.

HPD continues to work on the Micronesians; held several trainings. Also completed the Connecticut Training and 1 day class on youth training.

The HPD Station is under major renovation. Also addressing the Waianae Police Station construction issues with cells to make the corrections; put 11 high foot privacy walls in 4 cells, which makes it a blind spot in the cell.

Paekukui also reported the Kahuku Police Station is still not correct. Sgt. Tong responded looked at the surveillance cameras; the original plan for the doors to open outward, but the doors open inward. Also reported the juvenile side is now closed at the Kahuku Police Station. Paekukui noted after the last visit, reminded the officers of the log maintenance for secure and lockup, and followed up with Lt. McGee.

Lt. Saiki inquired about the logs; if bring the youth back from the detention home, but Kauai has the Rural Exception, uncertain if the log from the detention home to the sheriff is released. Paekukui responded must start a log, because the youth was released at the hearing. Typically, bring the youth in early to not conflict with the courts; bring youth in at 9:00 AM, but the hearing is at 1:00 PM.

Sgt. Tong reported HPD switched the report system to a paper management system; to be paperless.

B. Sheriff – Lt. Gary Saiki, Kauai County Sheriff Commander

Lt. Saiki did not have anything to report; currently very slow with detention.

C. Maui County – Lt. Jeraul Pladera

Lt. Pladera replaced Lt. Everett Ferreira who was promoted to Captain at the Wailuku Police Station, 2 months in his position, shared his background and plans.

The KALO Program completed in September. Debrief completed, to review and iron out the kinks; the program did well, families participated and very positive.

The POI Program continuing the court diversion; now have the parents with the kids. The issue is working with the larger numbers of people, spending more resources to keep on task and safe. The courts to help out with the POI Diversion.

MPD has a lot of movement and promotions. Lt. Pladera to follow-up on the trainings to integrate with the new recruits. Also to look at the policies to ensure in compliance with the juvenile detention and to make a few updates.

D. Judiciary – Meridith Russell

Russell replaced Marsha Yamada who is promoted as Deputy Chief Court Administrator; got promoted to Yamada's position. Updated committee on HB2490, Act 201. The committee chose a risk assessment tool called YASI, which will roll out in November; 2-3 months training and implementation in the 1st quarter of next year. The subcommittees are making progress to meet the other Act 201 requirements.

Also working closing with the MPD's new court diversion program, POI. A true diversion with the police, the courts and OYS; to hold the file at the prosecutor's officer and the police report to not go any further if the youth complies with the MPD Diversion Program.

VII. Announcements

1. Paekukui announced Chargualaf selected as the National Juvenile Justice Specialist out of 56 states and territories; the award to be given on June 11 in Washington, D.C.
2. Fernandes-Otake reported the travel changes, roundtrip boarding passes requirement, Hawaiian Airlines 72 hours cancellation policy and deviations handled on own after booking the meeting travel.

VIII. Next Meeting

Tentative Thursday, September 3, 2015

X. Adjournment

Sgt. Tong made a motion to adjourn the meeting, and seconded by Lt. Saiki. There being no further discussion, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,



Leimomi Fernandes-Otake
Juvenile Justice Administrative Assistant