



# JUDICIARY COMM. NO. 5

**Family Court of the First Circuit – THE JUDICIARY • STATE OF HAWAI'I**  
RONALD T.Y. MOON KAPOLEI COURTHOUSE • 4675 KAPOLEI PARKWAY • KAPOLEI, HAWAI'I 96707-3272

**R. MARK BROWNING**  
SENIOR JUDGE

**FA'AUUGA TO'OTO'O**  
CIRCUIT COURT JUDGE

**JEFFREY P. CRABTREE**  
CIRCUIT COURT JUDGE

**DISTRICT FAMILY JUDGES**  
**JENNIFER L. CHING**  
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**MATTHEW J. VIOLA**

December 24, 2015

Senator Ronald D. Kouchi  
Senate President  
Hawaii State Capitol, RM 409  
415 S. Beretania Street  
Honolulu, HI 96813

RE: Hawai'i Juvenile Justice Oversight Advisory Council Report

Dear Senator Kouchi,

Enclosed please find the Hawai'i Juvenile Justice Oversight Advisory Council's 2015 Report regarding the implementation of Act 201, Session Laws of Hawai'i 2014. The Council remains committed to the purpose of Act 201 and will continue to in its effort to improve outcomes for the children of Hawai'i.

Aloha,

A handwritten signature in black ink, appearing to read "R. Mark Browning", is written over a horizontal line.

R. Mark Browning  
Senior Judge of the Family Court and  
Deputy Chief Judge of the First Circuit

**Hawai'i Juvenile Justice Oversight Advisory Council  
Act 201 Implementation**

**2015 Report**

Submitted by:  
Honorable R. Mark Browning, Chair

## **INTRODUCTION**

In 2014, juvenile justice leaders and stakeholders worked with the legislature to mandate deeper system reform through Act 201, SLH 2014. The reforms are designed to improve the juvenile justice system by strengthening community supervision and probation practices, sustaining effective practices, and reducing the reliance on secure confinement. Specifically, the legislation requires the adoption of a validated risk and needs assessment instrument, establishment of a graduated response system, award of earned discharge credits, enhanced data collection and reporting, and the establishment of a statewide interdepartmental cluster to align resources for youth with the highest needs.

Hawai'i was selected as one of three states to receive technical assistance to assist with the implementation of the comprehensive juvenile justice reforms mandated in Act 201, and to help build our state's capacity to sustain the new policies through the Smart on Juvenile Justice: A Comprehensive Strategy to Juvenile Justice Reform Initiative of the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Crime and Justice Institute at Community Resources for Justice (CJI) is the technical assistance provider working with Hawai'i.

## **TECHNICAL ASSISTANCE**

With the assistance of CJI, Hawai'i has accomplished multiple objectives as part of this initiative, including (1) increasing in-state capacity related to implementing evidence-based programs and practices through trainings and train the trainer processes, (2) developing and adhering to statewide implementation plans for various reform efforts on risk assessment, and graduated response processes, (3) becoming informed consumers of juvenile justice research,

risk and needs assessment instruments, and program model fidelity, and (4) improving existing data reporting and sharing mechanisms to examine the impact of the Act.

## **PROGRESS**

Prior to being identified as a Smart on Juvenile Justice Initiative state, Hawai‘i established a statewide implementation team to coordinate implementation efforts of the policies in Act 201. From this team, smaller subcommittees were formed to address specific priority areas. Upon engaging with CJI, Hawai‘i identified technical assistance priority areas to align with the work of each of the subcommittees. The Risk and Needs Assessment Tool Subcommittee recognized the need to carefully select and properly implement the right tool for Hawaii’s youth population. The Graduated Response System and Earned Discharge Credit Subcommittee similarly identified the need to thoughtfully develop a graduated response system tailored to the needs of Hawai‘i and ensure proper training and implementation. In order to improve stakeholder collaboration, the Interdepartmental Cluster Subcommittee formed in order to cultivate cross-agency coordination for high-need youth. The Professional Development Subcommittee embraced enhancing and standardizing core competencies and training curriculum for probation officers across the state. Finally, the Data Subcommittee acknowledged that its work must focus across all subcommittees by developing a system to collect and report performance measures to ensure ongoing data-driven decision-making in the Hawai‘i juvenile justice system.

The statewide implementation team has accomplished the following:

***Established the statewide Juvenile Justice Interdepartmental Cluster.*** The cluster is composed of leaders from the Family Court, Department of Health's Child and Adolescent Mental Health Division, Office of Youth Services, Department of Education, and community service providers. The family court has established a Cluster Coordinator to staff referrals to the cluster. Policy, procedures and eligibility criteria have been established to ensure consistent practice statewide.

***Selected a Risk and Need Assessment and Case Management tool*** to be implemented statewide. The Youth Assessment and Screening Instrument (YASI) is a validated tool designed for justice involved youth. Selection of the YASI was made through a rigorous research process that examined several tools across the nation. Implementation of the YASI will begin in early 2016 (pending contract execution). To assist in the selection of a tool, CJI developed numerous materials including risk and needs assessment tool selection criteria, comparison documents on various tools the subcommittee was considering, and a detailed step by-step risk and needs assessment tool implementation plan including selection process, development of policies and procedures, training and quality assurance

Developed and implemented a ***graduated response system*** of rewards and interventions that allows youth to earn ***early discharge credits*** for substantial compliance with his/her conditions of probation. Early discharge from probation will ensure efficient use of

community and court resources. The most costly resources will be focused on youth at risk to recidivate.

***Strengthened community supervision and probation practices*** through a coordinated professional development plan that relies on evidence-based practices and ensures fidelity to the practice. The team is creating a training academy to ensure sustainability of a highly trained and competent juvenile justice workforce.

- All probation officers statewide have been trained in the ***Principles of Effective Intervention*** and ***Core Correctional Practices***.
- Between October 2014 and September 2015, the practice of ***Motivational Interviewing (MI)*** was taken statewide. Approximately 128 professionals were trained across the state. MI's effectiveness is directly related to adherence to core MI skills. Therefore, to ensure fidelity to and sustainability of the practice, the Family Court is developing certified trainers as well as coders who measure practice fidelity.
- Established ***core competency training*** for probation officers.
- ***Mental Health Training Curriculum for Juvenile Justice (MHTC-JJ)*** – Hawai'i is one six sites selected by the Mental Health and Juvenile Justice Collaborative for Change to receive expert train the trainer instruction on mental health. This training will result in staff increasing their understanding of child and adolescent youth mental health issues, and training to improve staff interaction with youth. MHTC-JJ is funded by OJJDP and the MacArthur Foundation. To date, 22 staff have been trained and two additional trainings will be conducted in 2016.

The team has *identified and developed enhancements to ensure high quality data reporting* as data drives the decision making process in the juvenile justice system. This required the team to work through numerous challenges in order to understand, categorize and extract the necessary data from JUSTIS to produce quality reports that demonstrate outcomes of the policy changes in Act 201. With targeted technical assistance the team (1) identified each data element needed to calculate and report on the specified performance measure, (2) reached consensus on definitions of commonly used codes used in JUSTIS, (3) created new codes in JUSTIS, and (4) developed report specifications and templates for the required reports. The team continues to work through challenges related to the creation of new codes in JUSTIS, coordination across all circuits and extraction of raw data from JUSTIS. The implementation team is committed to improving the quality and consistency of the data being reported to insure the Oversight Committee's decision making is based on high quality data analyses and reports.

## **SUMMARY OF CJI TECHNICAL ASSISTANCE**

In February 2015, CJI and OJJDP completed its first site visit to Hawai'i. The week-long visit included traveling to all circuits to provide training developed by CJI on risk assessment implementation as well informational training on Act 201 and OJJDP's Smart on Juvenile Justice Initiative and the technical assistance priorities identified by the state.

In April, on-site technical assistance focused on training in all four circuits on the principles of effective intervention: Risk, Need, Responsivity and Fidelity. The training also included research on the effectiveness of utilizing graduated response systems and core correctional practices. During the training, CJI led staff through two exercises on risk assessment to demonstrate what factors are considered in a risk assessment instrument and how to score a risk assessment instrument with proficiency. Over the course of the site visit, CJI trained 114 staff, including probation administrators, supervisors, program specialists field staff, intake staff, drug court staff, and Hawai'i Youth Correctional Facility staff.

In June, the site visit was targeted work-sessions with subcommittee members to draft policies and procedures related to: 1) the risk and needs assessment tool, 2) earned discharge credits, 3) statewide interdepartmental cluster, and 4) core competencies and training curriculum for juvenile probation officers. CJI also worked with staff on site to draft training materials for using the graduated response system, and to discuss a comprehensive list of data collection requirements and performance measure outcomes.

The fourth site visit was completed in July during which time CJI met with the full implementation team and each of the subcommittees to continue building on progress during and since the June visit. Work on site included working on revisions to policies and procedures and using work plans to guide efforts and complete implementation tasks. During the visit, CJI also traveled to the Big Island, to provide a refresher training on the Principles of Effective Intervention to 20 juvenile client services staff.



Two additional site visits were completed at the end of August and the beginning of September. During the August visit much of the visit was dedicated to working with judiciary staff on revising the Behavioral Intervention and Support System (BISS) training slides and facilitating the first session of the BISS train-the-trainer. CJI also attended the monthly implementation team meeting and met with the Risk and Needs Assessment Tool Subcommittee chair to discuss next steps in risk and needs assessment tool implementation process. During the August visit, CJI met with the Data Subcommittee to review and discuss the work plan, the reporting specifications and to assist in identifying next steps. Additionally, CJI traveled to Maui to complete a refresher training on the Principles of Effective Intervention to 10 juvenile client services staff.

A seventh site visit was completed in September at which time CJI facilitated the second session of the train-the-trainer with 15 participants and thoroughly described all training materials and content as well as facilitated discussion and answered questions. CJI did role-playing activities, and provided one-on-one support during activities to participants. All participants took a pretest and posttest and those successfully passing the posttest were provided certificates acknowledging their certification as BISS trainers. While on site, CJI met with the Professional Development Subcommittee co-chairs, and group facilitator to review and discuss the core competencies curriculum and identify next steps. On the last day of the visit, CJI met with the Risk and Needs Assessment Tool Subcommittee meeting and presented a “Risk Assessment Implementation Fidelity” presentation and answered questions and facilitated discussion on inter-rater agreement and quality assurance related to risk and needs assessment tool implementation. CJI also attended the Hawai‘i Family Court Symposium and facilitated a session on the Smart on

Juvenile Justice Initiative, Act 201 implementation efforts and the Principles of Effective Intervention.

In October, CJI completed an eighth site visit to co-facilitate trainings in Maui and Kauai. CJI met with certified trainers in Maui to plan and prepare for a training with juvenile probation staff in Maui on the Behavioral Intervention and Support System (BISS). During the October visit CJI also traveled to Kauai to complete preparations with two certified trainers in 5<sup>th</sup> circuit. CJI worked with trainers to plan for a two part training with juvenile probation staff as well as a stakeholder training on the BISS with the family court judge and juvenile prosecutor.

#### **ACT 201 APPROPRIATION**

The appropriation of \$1.26 million was expended or encumbered in FY 15 by the Office of Youth Services for the following programs and reform activities:

Gender-specific, trauma-informed mental health services for approximately 100 adolescent girls at-risk to enter the juvenile justice system on Oahu. In addition to services, statewide training for approximately 200 juvenile justice system stakeholders. Funding provided to the Child and Adolescent Mental Health Division's Project Kealahou. \$215,000

Mental health and substance abuse services, including outpatient and residential projected to serve approximately 44 youth statewide. Funding provided to the Child and Adolescent Mental Health Division. \$325,000

Expanded intensive monitoring services for juveniles on probation. Approximately 130 youth on Oahu, and 70 youth on Hawai'i Island are projected to be supervised in the community to increase compliance with terms and conditions of probation and avoid costly secure confinement. \$315,000

Truancy prevention and intervention supports and services through community-based agencies on Maui. These services focus on engaging truant students to improve their educational outcomes. Supports and services are provided to middle and high school students in the Maui Complex. \$155,000

Adolescent school- and community-based outpatient treatment services for substance abuse or dependence for approximately 40 Hawai'i Island youth. \$75,000

Ancillary supports and incentives for youth on probation. Ancillary supports and incentives are part of the graduated response system targeting, reinforcing and sustaining positive behavioral change. Funding provided to all four circuits. \$40,000

Professional development to increase in-state capacity related to implementing evidence-based programs and practices through trainings and train the trainer processes. Approximately 120 staff statewide were trained in multiple subject areas (e.g., Core Correctional Practices, Principles of Effective Intervention, Motivational Interviewing, Wrap Around Services, Family Engagement). \$94,075

Support for the statewide implementation team to implement legislative reforms mandated through Act 201. The working group is responsible for establishing priorities for the developing new policies and procedures; organizing and coordinating the implementation of the comprehensive juvenile justice reforms, training of staff, meetings of the team and its subcommittees. \$17,645

### **FY 2016 PRIORITIES**

The statewide implementation team has identified its priorities for FY 2016. The adoption and implementation of a statewide risk and needs assessment tool is a major component of Hawaii's juvenile justice transformation. Implementation of the risk and needs tool with fidelity is critical as this assessment information impacts the vast majority of the reforms and there are several components needed to support this in Hawai'i:

- Development of a full quality assurance and inter-rater agreement training
- Development of additional report templates for new risk and needs assessment tool
- Ongoing monitoring of risk assessment implementation plan
- Ongoing monitoring of graduated response system implementation and training
- Train-the-trainer curriculum for principles of effective intervention
- Training on effective case management using the risk and needs assessment tool
- Data collection and performance measures reporting