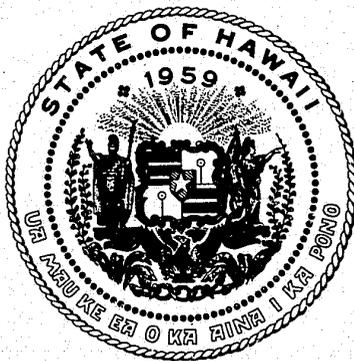


STATE OF HAWAII
THE JUVENILE JUSTICE PLAN
Supplement No. 1



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State Law Enforcement Planning Agency
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P R E F A C E

ACQUISITIONS

As stated in the Progress Report on the Juvenile Justice Plan Supplement presented to the 1978 legislative session, Act 179, Session Laws of Hawaii, 1970, mandated the State Law Enforcement Planning Agency (SLEPA) to develop a master plan for adults and juveniles. An adult Correctional Master Plan was adopted by the legislature in 1973 and a juvenile justice master plan was prepared in 1974 and submitted to the legislature on January 8, 1975.

The Juvenile Justice Plan submitted in 1975 describes the State's long-term objectives in the area of juvenile justice. The Plan, as comprehensive as it is, evoked many pertinent and direct comments, criticisms and questions. In addition, given the dynamics of juvenile justice planning, even the passage of a few years necessitates adding to the data base and rethinking some of the conclusions.

As a result of these factors, a Juvenile Justice Steering Committee composed of representatives from the Department of Social Services and Housing, private social service agencies, the Judiciary, the Police and the Juvenile Justice Coordinating Council was reconvened in early 1978 to provide guidance to the SLEPA staff in gathering new data and formulating recommendations. The group met frequently in 1978 to plan emphasis and review data and preliminary drafts of the studies.

The culmination of this process is this Juvenile Justice Plan Supplement which presents new data, new conclusions and further recommendations.

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JUVENILE JUSTICE PLAN SUPPLEMENT

INTRODUCTION

The Juvenile Justice Plan Supplement is reflective of the dynamic process of continuing information gathering, re-evaluating previous conclusions, revamping or confirming previous recommendations and fine tuning the Juvenile Justice Plan of 1974.

The Juvenile Justice Plan of 1974 was a multi-purpose document. It was a comprehensive description of the historical development of the State's efforts to cope with the problem of juvenile delinquency, the evolving philosophy of juvenile justice, the present operational policies, the statutes affecting juveniles, data on the scope of the juvenile problem, and conclusions and recommendations on how to improve the system and to cope with the problem of juvenile delinquency.

The supplement adds to the data base, isolates particularly crucial problems which have plagued the juvenile justice system, and suggests a new emphasis in improving the performance of the system.

The supplement emphasis is on six areas: (1) coordination of the system, (2) diversion of the juvenile to counseling and release or community based programs instead of adjudication, (3) repeat offenders, (4) detention of juveniles awaiting adjudication or referral to a community program, (5) the Youth Correctional Facility, and (6) juvenile parole and probation. All the studies define the problem, provide statistical data and analysis, and make conclusions and recommendations for improvement.

The coordination study describes the fundamental problem of system coordination through both formal and informal means, the conditions fostering fragmentation, some examples of coordination working well, and some suggested methods of improving the process.

The diversion study deals with the Juvenile Justice Plan's emphasis on sending delinquents to community based agencies for treatment rather than formal adjudication in family court. It provides information on how diversion works and data which is a partial indication of the success of diversion in preventing juveniles from repeating offenses.

The repeat offenders study deals with a major problem of juvenile justice - that of the offender who commits crimes repeatedly and who has recurring contact with agencies administering juvenile justice. It focuses on the earliest time that offenders have contact with the police and the courts, shows the circumstances under which they have contact, shows the patterns of future contacts and makes some recommendations to cope with that problem.

The detention study deals with the necessary process of holding juveniles awaiting adjudication by the family court or referral to another agency. One of the proposed areas of improvement suggested by the Juvenile Justice Plan was to minimize the stay of juveniles and to enroll and divert juveniles even while they are awaiting action of the family court. This study focuses on the detention home and the reasons juveniles continue to stay in the facility, the duration of their stay, and examines the feasibility of eventually using the facility to hold only the small number which cannot be referred elsewhere.

The Youth Correctional Facility study underlines the continuing dilemma of needing a program for the "hard core" delinquent juvenile. The Juvenile Justice Plan of 1974 called for its eventual conversion into a facility for the most hard-core incorrigible youth with an emphasis on diversion to community based programs. However, the facility receives those that are not treatable under any of the other programs and many persons on short-term commitments. The report examines admissions, the impact of juveniles who return continually to the facility, the manner in which they are terminated and released, and the success or lack of success of the Youth Correctional Facility in dealing with the offender who repeatedly is admitted.

Juvenile probation and parole deals with the effect of juvenile probation and parole on recidivism. The statistics reveal some characteristics of the recidivist, and some characteristics of both probation and parole which account for the differences in the rate of recidivism.

If there is a linchpin that interrelates these various studies, it is probably the difficulty of the juvenile justice system in dealing with the juvenile who commits repeated crimes. All the studies ultimately through the recommendations focus on the problems of reducing delinquency by reducing the incidence of recidivism or repeat offenders.

DEFINITIONS

AWOL. Absent Without Official Leave. An unauthorized over-staying beyond the limits of furlough from the youth correctional facility.

Adjudication. The decision and disposition rendered by Family Court in a formal proceeding after a petition has been filed with the court alleging that (1) the juvenile has committed an offense which would be a crime if committed by an adult or (2) the juvenile is neglected as to medical or necessary support, is subject to physical or emotional deprivation, or is uncontrollable and may cause injury to himself or to others, or is not receiving educational services.

Admission. An order by Family Court sending a juvenile as a result of his adjudication as a law violator to a period of confinement at the youth correctional facility or an administrative order of the Department of Social Services and Housing, revoking or suspending parole and ordering a juvenile back to the facility.

Adult. A person who is eighteen years of age or older.

Counsel-Release. The term describing the disposition when a juvenile is discharged after arrest or detainment by the police without a formal charge being filed or after a petition is filed with the Family Court and the case is adjusted informally or after adjudication by the Family Court where the person is released from custody supervision or monitoring after some advice and informal reprimand.

DSSH. The Department of Social Services and Housing. One of the twenty major executive departments of the State of Hawaii

charged with the operation of the correctional system and the Youth Correctional Facility. Another division, the Public Welfare Division, provides services to neglected children and to those in need of services through shelter care and foster homes.

Detention Home. Sometimes called DH, actually named Hale Hoomalu, operated by the Family Court as a temporary holding facility for juveniles who require secure custody for their own or the community's protection while awaiting adjudication by the Family Court, placement or referral to an agency.

Diversion. The process by which a juvenile, after arrest, is terminated without formal adjudication by the Family Court because he is counseled and released, or referred to a social service agency.

Escape. The intentional departure from any detention facility or custody.

Family Court. One of the divisions of the Circuit Court system of the State of Hawaii created by the 1965 Family Court Act to deal with cases involving the family, including marriage, divorce, adoption, paternity, and juveniles. In the City and County of Honolulu, it is a separate special circuit court; in the other counties the Circuit Court at selected times sits as a Family Court. It has a large support division administering a probation program.

Follow-up Social Services. The assistance from a social service agency to an individual which he receives voluntarily after a term of parole or probation has expired.

Furlough. An authorized absence from the youth correctional facility for a given term such as a weekend usually given for good behavior and sometimes for major family purposes such as seeing a sick relative, etc.

Informal Adjustment. Procedure usually followed in family court to decide a case without formal adjudication if a juvenile and his parents consent and admit the facts in a petition which brought the juvenile under the jurisdiction of the family court and if the family court feels that the juvenile will not violate the law again.

Juvenile. A term in Hawaii synonymous with child or minor, meaning any person less than eighteen years of age.

Juvenile Crime Prevention Division. A special division in the police department charged with crime investigation involving juveniles except for felony cases.

Juvenile Justice Coordinating Council. A 24-member advisory body comprised of representatives from juvenile justice agencies and public and private agencies as recommended in the Juvenile Justice Plan of 1974. The Juvenile Justice Coordinating Council was intended to (1) develop an Office of Youth Services (OYS) which was to be responsible for the planning, coordination, and administration of social services for all youth in our community; (2) determine the kinds of services required by youth; and (3) develop an effective service delivery network.

Juvenile Justice Interagency Board. The Juvenile Justice Plan Supplement recommends the creation of this body under the Governor to oversee the Juvenile Justice Coordinating Council

with high level members such as a chief of police, the senior judge of the Family Court, a prosecutor, the public defender, and the director of the Department of Social Services and Housing, and private agency representative.

Juvenile Justice Plan. A comprehensive document submitted in 1974 by the Governor to the legislature, which contained a comprehensive description of the juvenile justice system, the legal environment for the juveniles, conclusions and recommendations for improvements for the administration of juvenile justice, and the data base showing the scope of the problem of juvenile justice.

Juvenile Justice Plan Supplement. An updated compilation of additional data and conclusions and recommendations made in the Juvenile Justice Plan of 1974.

Juvenile Justice System. A generally descriptive term used to describe the agencies and the interrelationship among them in dealing with the juvenile who has committed a law violation, who is deprived of services or who is in need of supervision. Such agencies include the police departments, the offices of the prosecuting attorneys, the public defender, the family court, the Department of Social Services and Housing, and other private agencies which administer programs affecting juveniles.

Office of Youth Services. Another agency proposed by the Juvenile Justice Plan of 1974 with a broader responsibility than the Juvenile Justice Coordinating Council, including planning, coordination, and administration of social services for all youth as contrasted with just youth involved in the juvenile justice system.

Parole. Conditional release of a juvenile from the youth correctional facility usually for good behavior earlier than the end of the period of confinement whereby he remains under the supervision of the juvenile parole section of the youth correctional facility.

PINS. Person in need of supervision. Under the Hawaii Family Court Act, jurisdiction over juveniles occurs in two major areas - (1) when a juvenile commits an offense which is a crime if committed by an adult, and (2) when he is neglected as to support or medical care or is deprived of education or uncontrollable by his parents, or is subjected to physical or emotional deprivation. The members of the latter group are called PINS. The term is sometimes used interchangeably with the word status offender.

Probation. A legal status created by court order following adjudication in a case involving a violation of law whereby a minor is permitted to remain in his home or in a community residential or non-residential program subject to supervision by the court and subject to return to the court during the period of protective supervision.

Recidivism. The repetition of criminal behavior, habitual criminality.

Repeat Offender. A person who has been arrested more than once for violating a law with a criminal sanction or violating a statute defining a status offense such as runaway, truancy, incorrigibility.

SLEPA. The State Law Enforcement Planning Agency. Created in 1968, this agency is charged with administering the federal

grants in law enforcement, and planning and coordinating the law enforcement programs of the State and counties. It was responsible for coordinating the effort in putting together the Juvenile Justice Plan of 1974 and this Juvenile Justice Plan Supplement.

Status Offense. An offense that is not a crime if committed by an adult. It is unique to juveniles, such as truancy, violations of curfews, runaway, and incorrigibility. This is a term used by the Law Enforcement Assistance Administration, United States Justice Department.

Waiver. A process involving a hearing at Family Court whereby it waives jurisdiction over a juvenile sixteen years or older who is charged with committing what would be a felony offense if committed by an adult to an adult criminal court.

S E C T I O N A

COORDINATION AND COMMUNICATION

IN THE

JUVENILE JUSTICE SYSTEM OF HAWAII

COORDINATION AND COMMUNICATION IN THE JUVENILE
JUSTICE SYSTEM OF HAWAII

I. INTRODUCTION

The problem of coordination and communication in the juvenile justice system is one of six studies undertaken by the State Law Enforcement Planning Agency (SLEPA) as part of its development of the Juvenile Justice Plan Supplement.

In developing the 1974 Juvenile Justice Plan, planners wrestled with the problem of coordination and concluded that there were two major areas of need in terms of system coordination:* 1) increased coordination between the components of the juvenile justice system; and 2) increased integration of the juvenile justice agencies and programs with other social services available for youth. The Plan paid only scant attention to the first need, stating it "could be met by making changes within the juvenile justice system." No specific mention was made as to what these changes might consist of. Rather, discussion centered on the second need as well as a third: the comprehensive coordination of all juvenile justice and social service agencies and programs providing services for youth.

The 1974 Juvenile Justice Plan thus proposed several new structures which it was believed would enhance the development of a coordinated system of service delivery. The first of

*See State of Hawaii Juvenile Justice Plan, 1974, pp. 192-203.

these structures, the Juvenile Justice Coordinating Council (JJCC), was envisioned as a mixed group of representatives from juvenile justice agencies and from public and private social agencies serving youth in trouble. The primary responsibilities of the JJCC would be to 1) develop an Office of Youth Services (OYS), another new structure, which would be responsible for the planning, coordination, and administration of social services for all youth in our community; 2) determine the kinds of services needed by youngsters in the juvenile justice system; and 3) develop an effective service delivery network. Both the JJCC and OYS assume a centralized approach to juvenile justice planning and coordination.

II. PROBLEM IDENTIFICATION

Given the nature of the system, would a centralized approach be both possible and feasible?

Five autonomous components - police, prosecutor, public defender, courts, and corrections - make up the formal juvenile justice system. Each component has separate and unique functions which have been defined by statute and the State Constitution. Under the doctrines of separation of powers and of local autonomy, no one umbrella agency can exercise authority over all the components. Thus, the term juvenile justice system is somewhat of a misnomer; the legal course traveled by a delinquent youngster in Hawaii might better be described as the juvenile justice process.

However, the important factor to be considered here is not the debate over the terms "system" and "process". Rather, it is to observe the manner in which the individual components manage to keep the juvenile justice process flowing despite the absence of a single authority to plan, guide, and oversee the delivery of services to youngsters in the system.

Though not readily observable, even to those within the juvenile justice system, an established network of statutes, agreements, policies and procedures, which have been developed over a long period of time, ties these components together in both formal and informal patterns. A daily exchange of forms, consultation on cases of mutual interest and jurisdiction, a joint search for alternative programs and services, requests for police, Family Court, or Hawaii Youth Correctional Facility (HYCF) intervention - these and other activities bring together two or more components of the system at all levels of operation in the processing of juvenile offenders.

Because of the autonomous nature of the juvenile justice components and their varying objectives and roles, the relationships between them can be both tenuous and delicate and even competitive. Misunderstandings, myths, and distortions easily arise, yet can also lie hidden beneath a facade of interagency cooperation. Agencies may also retreat behind a cover of independence and autonomy, willing neither to infringe on the territoriality of another component, nor to give up any of their own domain. Hence resolution of problems, if they occur, may take months, even years.

Often, when problems do surface in a loosely organized system such as the juvenile justice system, an immediate and predicted response is that the system lacks coordination because it is so fragmented and that whatever ails the system can be cured by the magic of coordination and communication. But what is meant by coordination in the context of the juvenile justice system? A general definition of the term suggests that to "coordinate" is to "harmonize in common action." In realistic terms, can disparate components such as the police, Family Court, and the HYCF "harmonize in common action"?

At first glance, it would seem an impossible task, for the juvenile justice system is burdened with contradicting expectations placed on it by prevailing philosophy, by statute, and by the fears of the general public. For example, the functional responsibility of the police is to investigate, apprehend, and to arrest. In handling juveniles, however, the police are encouraged to divert youngsters, particularly those youngsters who are first-time offenders, from entering the formal system. Thus, more often than not, the police will "counsel and release." This approach by the police has led to a continuing argument both within and without the police departments: can police officers counsel as well as investigate? Or are these mutually exclusive tasks? The implication here seems to be that the image of policemen as concerned, humane counselors somehow conflicts with their image as law enforcement officers. The uneasiness with which some police officers

approach this duality of function within the juvenile justice system adds to the confusion that the system experiences over role and function.

The Family Court, too, faces conflicting expectations. The public generally views the court as a place where the guilt or innocence of a person is settled. In the juvenile justice system, however, the Family Court assumes a much broader role, serving as a "broker" for social services for children in trouble. This extension of the role of the Family Court has raised numerous questions regarding the court's proper function. Can the Family Court remain objective in adjudicating a child's guilt or innocence and yet continue its concern for the "whole child"?

As the major institution involved in youth corrections, the HYCF, too, is caught in the web of conflicting expectations. The statutes reveal that the facility must at once detain, control, educate, and reform or rehabilitate children. It is common knowledge that only when a child has failed all available programs in the community will the Family Court commit that child to the HYCF. The facility thus becomes the "last hope" or the "end of the line." Under these circumstances can the system expect the facility to do much more than detain and control the delinquent youngster during his usual short term of residence? Realistically, what are the odds that the facility can make reasonable progress in educating and rehabilitating that youngster?

It becomes readily apparent that the conflicting and diverse responsibilities of the various components of the juvenile justice system make it difficult for personnel of one component to understand their own mission, let alone the missions of the other components. Further, the overall mission and purpose of the juvenile justice system, if indeed such mission and purpose exist, are even more obscure to these personnel. Without this understanding can coordination really occur in the juvenile justice system? Peter Drucker, the well-known management consultant, understood this dilemma when he wrote:

"The answer to diversity is not uniformity. The answer is unity. We cannot hope to suppress the diversity of our society. Each of the pluralist institutions is needed. Each discharges a necessary...task. We cannot...suppress the autonomy of these institutions. Their task makes them autonomous whether this is admitted by political rhetoric or not. We therefore have to create a focus of unity. This can only be provided by strong and effective government."

A centralized approach to juvenile justice planning and coordination, as recommended by the 1974 Juvenile Justice Plan has little chance for success given the autonomous nature of the various components. The doctrine of separation of powers and the usual unwillingness of government agencies to implement improvements planned by "outsiders" will work against such success. It would seem a more rational approach for the juvenile justice system to focus on developing coordinating and planning capacities at major decision-making points in

the juvenile justice system with the intense involvement of decision-makers themselves. Little can be done about the existing fragmentation of the juvenile justice system. Fragmentation is not the problem to be overcome; the dysfunctions resulting from fragmentation, such as conflicting policies, duplication of services, and inadequate information and feedback should be the target. Some kind of mechanism is needed to deal with the issues and problems that not only involve but also transcend the particular components of the juvenile justice system. To this end the 1974 Juvenile Justice Plan was on target in searching for a workable mechanism. There was certainly no clear call by the Plan to abandon the existing juvenile justice system. However, the Plan's emphasis on new concepts predicated on a monolithic authority, overshadowed both the need and the opportunity to improve coordination and communication by focusing on the existing system. Further, without a "focus of unity", without an acknowledgment of common objectives and interests by the various components of the system, there is nothing upon which a coordination process - whatever the form and shape it may take - can be constructed.

III. METHODOLOGY

As indicated in the Introduction of this section, coordination and communication between the components of the juvenile justice system (police, prosecutor, defender, Family Court, and corrections) take place under an established set of laws, rules, agreements, procedures,

and mechanisms which are known to the specific agencies concerned but are seldom understood by other parts of the system or by the general public. Thus, it is often difficult to pinpoint where the breaks in coordination and communication are occurring and further, to determine how to handle the problems that ensue.

This study focuses on two critical points in the juvenile justice system as it operates on the island of Oahu (1st Circuit): 1) the point at which the Honolulu Police Department and the Family Court interact; and 2) the point at which the Family Court and the HYCF interact. The first point involves a county agency with a state agency separate from the executive under the separation of powers doctrine. At this decision-making point flows a large number of juvenile offenders representing a variety of types of cases. The second point involves again the State Judiciary but this time with an agency of the Executive Branch of State government. At this point in the juvenile justice process the number of offenders is much smaller, but their cases are unquestionably among the more serious, more complex, and perhaps the most trying ones to be found in the juvenile justice system. While the problems of the neighbor island jurisdictions are not within the scope of this study, it should not be assumed that their problems are either similar or dissimilar in nature.

The objectives for this study are as follows:

1. To determine the laws, rules, agreements, procedures, and mechanisms that enable the Honolulu Police

Department, the Family Court (1st Circuit), and the HYCF to communicate with one another;

2. To identify areas where problems related to communication are occurring;
3. To recommend ways in which communication between agencies can be improved.

Most of the information for this study was obtained by on-site observations at such locations as the booking desk of the Honolulu Police Department, Detention Home hearings, Family Court adjudication, disposition, and waiver hearings, and cottage meetings at the HYCF. In addition interviews were conducted with personnel from the six details and administrative staff of the Juvenile Crime Prevention Division of the Honolulu Police Department; with judges, social workers, and administrators of the Family Court; and with cottage staff, administrators, and related personnel (school teachers, psychologists, nurses, etc.) of the HYCF. Few official documents are required as a means of communication between the various components of the juvenile justice system. However, wherever applicable, these documents were carefully studied for content analysis.

IV. PROBLEM ANALYSIS

Chapter 571 (Family Courts) of the Hawaii Revised Statutes governs the relationship between the Honolulu Police Department and the Family Court, particularly sections 571-11 (Jurisdiction - Children), 571-3 (Taking Children Into Custody), 571-32

(Detention), 571-71 (Juvenile Crime Prevention Bureau), and 571-84 (Records). In addition the Family Court Rules, the Family Court Manual of Policies and Procedures, and the Honolulu Police Department's Procedures for Handling Juveniles prescribe the formal manner in which the two agencies shall relate. The Juvenile Information Report (JIR) is the form used by the police to book juveniles who have been arrested under HRS 571-11. This form accompanies the juvenile should he be referred to the Family Court or to any other agency. The JIR contains all the pertinent information relating to the juvenile and his offense. In addition to the JIR, the police also file a petition for a juvenile being referred to the Family Court.

On a personal level the police are in daily contact with personnel of the Family Court. Officers accompany juveniles to the Detention Home and work closely with members of the staff. Frequently, officers are called upon to testify in adjudication hearings. Officers are also called by Family Court probation officers to pick up a juvenile who has broken the terms of his probation.

The Honolulu Police Department handles all matters relating to juveniles (except for felony cases) through its Juvenile Crime Prevention Division (JCPD). The division is considered by officers as an assignment quite unlike the usual, since the hours are regular, the work relatively easy, and the dress informal. Six details make up the division: bike, enforcement, sex, runaway, child abuse, and general.

On-site interviews with division personnel, including representatives from each detail, and written responses to a

SLEPA questionnaire on coordination revealed the following concerns:

1. The lack of feedback from the Family Court regarding the disposition of cases prevents the JCPD from knowing the effectiveness of their investigations.
2. Differences in interpretation of laws, rules, and procedures, particularly among the various judges, cause both confusion and some animosity toward the Family Court. The police cite the example of the Family Court judge's disallowance of the use of fingerprints, obtained in an earlier case, in the prosecution of a subsequent case.
3. Changes in personnel in the JCPD and the Family Court contribute to a breakdown in communication and coordination.
4. Despite improvement in recent years, some officers retain a lingering frustration with Family Court judges who are viewed with less than full approval.
5. Division personnel do not seem to enjoy as free and easy a relationship with Family Court personnel, no matter what the level of operation.

The hierarchical structure of the police organization undoubtedly accounts for the more formal relationship of the JCPD with other juvenile justice agencies. Unlike other agencies' personnel, JCPD officers are less apt to pick up

the phone to talk over problems of mutual interest with their counterparts in the Family Court. More than likely, they will suffer in silence. There also seems to be a lack of understanding of the Family Court's role and function, particularly vis-a-vis the judges' concern for the legal rights of juveniles. Officers admit to their roles as counselors but seem to be uneasy about it.

No formal mechanism exists which allows JCPD personnel and Family Court personnel to meet on a regular basis. However, both groups do meet on request to discuss new procedures and policies.

To deal with problems arising from changes in personnel, police personnel have suggested that each component of the juvenile justice system should compile a manual of operation which would be available to all agencies in the system. They believe this exchange of manuals would encourage "the free flow of procedures, policy," etc. JCPD personnel also favor a rotation of middle management personnel through every major segment of the juvenile justice system to familiarize them with the "inner workings of allied agencies" and to alleviate problems. The division also feels that any coordinating mechanism should involve a mixture of personnel from upper and lower levels of management.

It is significant to note that Family Court personnel perceive a very good relationship with the JCPD of Honolulu Police Department. There is little evidence of any animosity toward the police within the Family Court. In fact there is

healthy respect for the efficiency and effectiveness of the police. However, lower levels of Court personnel appear to relate more easily to their counterparts in the HYCF than to police officers in the various JCPD details. Again this may be due to the more formal and hierarchical nature of the police organization. It may also be due to the fact that probation officers work more closely with HYCF personnel on cases of mutual interest.

The Family Court and the HYCF are formally tied together under two chapters of the Hawaii Revised Statutes: Chapter 571-48 (Decree if informal adjustment or diversion has not been effected) and Chapter 352, Sections 9 (Guardianship and custody of the person of inmates), 10 (Period committed), 12 (Commitments directed, how), 27 (Transfer to jail) and 28 (Transfer back or discharge). Family Court Rules and the Court's Manual of Policies and Procedures also apply. The HYCF has various printed materials relating to commitment procedures, cottage rules and program which prescribe the facility's relationship to the Family Court.

On a formal basis the Family Court communicates with the HYCF through the orders of the various judges committing juveniles. HYCF, in turn, can petition the Family Court for any changes desired in the Court's orders. The Attorney General handles the filing of these petitions.

Usually the Family Court and the HYCF communicate through the use of administrative memoranda. However, a significant degree of communication and coordination occurs between the

Court and HYCF at various levels of operation. There is evidence of a strong rapport between the Family Court liason officers and the HYCF cottage staff and other support staff. At cottage meetings and treatment committee meetings staff from both agencies show a genuine desire to cooperate and coordinate in the interest of the child concerned. At higher levels the relationship between the Family Court and HYCF becomes much more formal.

As in the JCPD, there is some critical feeling at HYCF toward Family Court judges, although most staff members agree that there has been significant improvement during the past two years.

While the JCPD is concerned by the lack of feedback from the Family Court, HYCF desires more complete information from the Court regarding a new commitment or a policy change. The absence of sufficient information regarding a youngster's health or his suicidal tendencies, for example, can be a critical problem, particularly during his first days at the facility. As an example of a policy change affecting the two agencies which was made without adequate prior discussion to facilitate the change, HYCF staff cite the recent memorandum from the Family Court to HYCF, dated July 7, 1978, announcing the end of concurrent jurisdiction. Lacking an understanding of the ramifications of this policy change, personnel from both agencies appeared confused.

The orders of some Family Court judges, which accompany a juvenile being committed to HYCF, also seem to affect some HYCF staff negatively. These orders are seen as an attempt by Family Court judges to "run the HYCF programs."

Family Court personnel perceive their relationship with HYCF as satisfactory, but with some degree of reservation. As indicated above, lower levels of operational staff seem very relaxed and comfortable in their relationships. Most problems are solved by telephone calls. Only a few Family Court judges were interviewed for this study, but most indicated some unhappiness with the alternatives offered by the State's correctional programs. It appears that it is the larger issues of philosophy and policy which are more difficult to resolve in an informal manner.

V. CONCLUSIONS

In order to improve planning and coordination the 1974 Juvenile Justice Plan proposed the establishment of the JJCC as a representative body to oversee and exercise authority over Hawaii's juvenile justice system. The autonomous nature of the components of the system argues against the success and effectiveness of such a monolithic structure. Juvenile justice is a functional area of government that is organizationally and politically fragmented. This fragmentation has led to a number of dysfunctions, such as differing and contradictory policies, overlapping or competitive programs, program discontinuity (between agencies), and imbalances in funding. However,

fragmentation is not the problem to be addressed; the dysfunctions resulting from fragmentation should be the focus of attention.

Informal coordinative efforts are taking place between agencies but these efforts are often insufficient or inadequate to bring about resolution of problems because of bureaucratic territoriality, program complexity, or a simple lack of clear-cut policy direction and mission. Further, the juvenile justice system is burdened by a lack of understanding regarding the purpose and mission of each component and the overall mission of the system that unites the component parts.

The juvenile justice system works amazingly well, considering its unavoidable fragmentation. Nevertheless, most agencies support the need for a formal coordination process, one that will promote cooperation and communication and yet recognize that 1) any coordination process will have no inherent power base from which to draw; and 2) the coordination process is not a panacea for all the problems occurring in the juvenile justice system but simply one tool to be used to solve a limited range of problems. The fact that informal cooperative processes exist, particularly at lower levels of operation, should not be confused with the need for a more formal coordination process.

Although not separate from the issue of coordination, the need for a greater sharing of information by juvenile justice agencies deserves greater attention. Only with sufficient information will agencies be able to facilitate the investigation of cases and improve their capability to deliver services to juveniles in need.

VI. RECOMMENDATIONS

Recognizing the continuing process of any planning effort, this study recommends only two proposals to begin the development of a coordination process that will be both acceptable and feasible to agencies in the juvenile justice system. Certainly with the advantage of time and experience planners may later opt to try other mechanisms or to revise the proposals presented here. At this point, however, the need for a formal coordination process which will focus on agencies or components within the system appears to be a valid consideration.

Recommendation A

That the Governor of Hawaii convene the Juvenile Justice Interagency Board which will establish and oversee the juvenile justice coordination process for the State.

- Membership: Police chief; senior judge, Family Court; prosecutor; public defender; director, Department of Social Services and Housing; representatives from other related agencies.
- Staff support: To be provided by SLEPA.
- Focus of effort: Those points in the formal juvenile justice process which link the system.

Recommendation B

That the Juvenile Justice Coordinating Council serve (in its present or a revised form) as an advisory council to the

Juvenile Justice Interagency Board. Under the U.S. Juvenile Justice and Delinquency Prevention Act of 1974, the Juvenile Justice Coordinating Council satisfies the requirement for an advisory group appointed by the chief executive of the State to advise the State Law Enforcement Planning Agency and this should continue in existence even though its policy role as contemplated in the 1974 Juvenile Justice Plan would be altered.

The 1974 Juvenile Justice Plan also proposed an Office of Youth Services to be developed by the Juvenile Justice Coordinating Council which would have been responsible for planning, coordinating and administering social services for all youths, whether they are being processed through the juvenile justice system or not. It also contemplated a decentralized network of youth service centers to provide an array of direct services to all youth.

Some youth service centers have been accomplished as demonstration projects. However, the full development of these centers and an Office of Youth Services have never been accomplished. They could be still created if the need arises even with the formation of a new coordinating body such as the Juvenile Justice Interagency Board.

S E C T I O N B

DIVERSION PROGRAMS

DIVERSION PROGRAMS

I. INTRODUCTION

The Juvenile Justice Plan of 1974 recommended that attention and resources be focused on prevention, early intervention, and diversion. It proposed a strategy of shifting attention and available resources from the later phases of the juvenile justice process to the earlier stages of involvement and an objective of minimum involvement in, or earliest possible release from, the juvenile justice system (p. 232).

There are three points in the system where early release or diversionary activities can occur:

- a. police on-street diversion, prior to an arrest;
- b. police diversion after arrest; and
- c. court intake prior to adjudication.

The focus of this study is on the latter two points. Diversion prior to arrest is difficult to study because no consistent records are kept on these individuals.

II. PROBLEM IDENTIFICATION

There is a lack of information on the youths who are diverted at the early phases of the juvenile justice system: the police and court intake. Therefore it is difficult to assess whether there is a lack of alternatives at these disposition levels.

Police Diversion

Approximately 50% of juvenile arrests terminate at the police level. They are either discharged, counseled and

released or warned and reprimanded, or referred to a social service agency. No study has been made in Hawaii on the youths who are counseled and released at this stage.

The percent of youths diverted at the police level has been relatively stable in the past few years. Statistics from the Honolulu Police Department show a slight increase in the percent of youths diverted: 1974, 34.6%; 1975, 33.8%; 1976, 36.3%; and 1977, 36.4%.

Criteria to divert youths may vary slightly among counties but are generally consistent in that:

- a. youths who are diverted must admit to committing the offense;
- b. the offense is a misdemeanor or a status offense (such as being a runaway, incorrigible, or truant);
- c. the offense is a first or second offense, or the last offense was committed a year or more ago.

Court Diversion

The Family Court intake receives approximately 50% of the arrests that the police make. These are usually youths who have been previously diverted by the police, who have committed serious crimes, who denied the charges, or who need to be detained. The court intake in turn, "informally adjusts" or "other dispositions" almost half of the referrals as not needing further court processing. Those who are informally adjusted must have admitted to the commission of the offense, and an agreement must be reached between parents, youth, and court officer that further prosecution is unnecessary. "Other dispositions" is a "catch all" category and include youths whose

families moved out of the state or youths who were not located. Informal adjustment must be done within 90 days of the receipt of the referral from the police.

The two studies were done to see what happens to the youths diverted at these two points in the juvenile justice system.

III. METHODOLOGY

Police Diversion Study

The sample population consisted of youths counseled and released by the police during July 1, 1975 through June 30, 1976; excluded from the study were those released without charge and those referred to Family Court. Because police practices in data collection differed somewhat, selection was done to fit each county's practices but in general, every tenth counseled and released case was selected.

After getting the list of the cases, individual files were reviewed to extract the data. Demographic data, charges, the length of time between diversion and rearrest, and arrests two years prior to and after the 1975-76 period were collected. See Appendix for worksheet.

In total there were 374 cases, but 5 were not used as they were under 5 years old and were child abuse and neglect cases. The study narrowed the scope to law violations and "status offenses" as federally defined. See definition section.

Court Intake Study

From the Family Court list of all cases in all circuits which were informally adjusted or other dispositioned for

the first time during the July 1, 1975 through June 30, 1976 period, a random sample of 10% was taken. However, because of the smallness of the total population of Kauai and Hawaii both are over represented (46% or 6, and 16% or 12 respectively of the affected population).

The case files on each of the youths were then reviewed and data extracted. Court referrals two years prior and after the FY 75-76 were noted. The total number of cases in the sample was 117. See Appendix for worksheet used.

IV. FINDINGS

Police Diversion

Total sample population: 369.

Total sample population excluding 17 year olds: 335*

- A. Age and Sex. The sample population of 369 youths was comprised of 64% males and 36% females. Their ages ranged from 7 to 17 years, with the largest number of youths in the age categories of 15 years (21%), and 14 years and 16 years at 16% each.

TABLE 1

Sex of Sample Population of Youths
Diverted by Police

<u>Sex</u>	<u>Number</u>	<u>Percent</u>
Male	237	64.2
Female	132	35.8
TOTAL	369	

*In comparing data by "return" or "no return", 17 year old youths were not included as they would not have the 1976-78 follow up as they would be out of the jurisdiction of the juvenile justice system.

TABLE 2

Age Distribution of Youths Diverted by Police

<u>Age</u>	<u>Number</u>	<u>Percent</u>
7-11	42	11.4
12	44	11.9
13	55	14.9
14	59	16.0
15	76	20.6
16	59	16.0
17	34	9.2

B. Charges. The majority, 81%, of the youths were charged with law violations and 19% for a status offenses. For all youths charged with a law violation, the largest number were charged with "theft \$5.01 - \$50" (32%). For youths charged with a status offense, 39% were charged with curfew violation and 36% for runaway.

TABLE 3

Frequency of Charges of Youths Diverted by Police

<u>Charge</u>	<u>Number</u>
Total Law Violations	300 (81%)
Assault	15
Theft, -\$5	79
Theft, \$5.01-\$50	121
Theft, \$50.01+	13
Criminal Property	11
Damage	
Carrying Deadly	3
Weapons	
Possession/Promoting	12
Drugs	
Gambling	8
Drinking in Public	5
Disorderly Conduct	3
Trespass	11
Harassment	5
Other	14
Total Status Offenses	69 (19%)
Runaway	25
PINS	12
Incorrigible	5
Curfew	27

C. Dispositions. Most of the youths were only counseled and released (91%) with 9% returning for further services. This included juvenile counselors' follow up (in Maui and Kauai counties) and private and public agencies (see Appendix III for listing). Youths charged with law violations were more often counseled and released (95%) than those charged with status offenses (75%).

TABLE 4

Frequency and Percent Distribution of Dispositions

	<u>Number</u>
Counseled & Released Only	336 (91%)
Referred to Services	33 (9%)
Juvenile Counselor	25 (6.8%)
Private Agency	3 (0.8%)
Public Agency	4 (1.1%)
Relative	1 (0.3%)

TABLE 5

Charge by Disposition

<u>Charge</u>	<u>Disposition</u>		<u>Total</u>
	<u>Counseled and Released</u>	<u>Services</u>	
Law Violation	284 (94.7%)	16 (5.3%)	300
Status Offense	52 (75.4%)	17 (24.6%)	69

D. Subsequent Arrests. Excluding the 17 year old youths, 72% (242) of the population were not arrested during the two year follow up. The 93 youths who were rearrested were primarily those diverted on a law violation charge (67 or 72%). (See Table 6). Of these youths, 29% returned within three months of being diverted and another third returned after a one year period. (See Table 7).

Youths who were arrested on a status offense charge had a higher percent of rearrest (41%) than those arrested on a law violation charge (25%).

After being diverted, 42% or 39 of the youths who returned to police attention, prior to the end of the research period, were charged with one offense, and another 23% with two more offenses. (See Table 8).

TABLE 6

Charge by Rearrest

<u>Charge Diverted On</u>	<u>Total Population</u>	<u>Rearrest</u>
Law Violations	271 (71.9%)	67 (24.7%)
Assault		6
Theft, -\$5		18
Theft, \$5.01-\$50		21
Theft, \$50.01+		5
Criminal Property		5
Damage		
Carrying Deadly		-
Weapon		
Possession/Promoting		1
Drugs		
Gambling		3
Drinking in Public		-
Disorderly Conduct		1
Trespass		3
Harassment		-
Other		4
Status Offenses	64 (28.1%)	26 (40.6%)
Runaway		13
PINS		-
Incorrigible		4
Curfew		9
TOTAL		93

TABLE 7

Period Between Diversion and Return
by Disposition

<u>Period</u>	<u>Disposition</u>		<u>Total</u>
	<u>Counseled and Released</u>	<u>Services</u>	
0-3 months	22 (28.2%)	5 (33.3%)	27 (29.0%)
3-6 months	13 (16.7%)	1 (6.6%)	14 (15.1%)
6-12 months	17 (21.8%)	3 (20.0%)	20 (21.5%)
1 year +	26 (33.3%)	6 (40.0%)	32 (34.4%)
TOTAL	78	15	93

TABLE 8

Frequency of Arrest After Being
Diverted in FY 75-76

<u>Number Arrests</u>	<u>Frequency</u>	<u>Percent</u>
1	39	41.9%
2	21	22.6%
3	12	12.9%
4	7	7.5%
5+	14	15.1%

E. Status Offenders. Sixty-nine or 19% of the total sample population were charged with a status offense (refer to Table 3). Sixty-one percent of these youths were not rearrested after being diverted. Males comprised 59% of the youths charged with a status offense. However in comparing the percent of rearrests after diversion by sex, female status offenders had a higher percent of return than males, 46% and 34% respectively.

TABLE 9

Sex of Status Offenders by Arrests/No Arrests

<u>Sex</u>	<u>No Return</u>	<u>Return</u>	<u>Total</u>
Male	25 (65.8%)	13 (34.2%)	38 (59.4%)
Female	14 (53.8%)	12 (46.1%)	26 (40.6%)
TOTAL	39 (60.9%)	25 (39.1%)	64

Status offenders were referred to further services five times more than law violators: 25% to 5%. (See Table 5). Yet status offenders who received services had a higher percent of returning to police attention than status offenders who were counseled and released (53% to 39%). This, however, was generally the same for all youths referred to services, compared with those counseled and released. (Refer to Table 10).

TABLE 10

Charge by Disposition and Return/No Return

<u>Charge</u>	<u>Counsel and Release</u>			<u>Further Services</u>			<u>Total</u>
	<u>No Return</u>	<u>Return</u>	<u>Total</u>	<u>No Return</u>	<u>Return</u>	<u>Total</u>	
Law Violations	197 (76%)	59 (23%)	256	7 (47%)	8 (53%)	15	15
Status Offenses	30 (61%)	19 (39%)	49	7 (47%)	8 (53%)	15	15
TOTAL	227 (74%)	78 (26%)	305	14 (47%)	16 (53%)	30	30

The chance of the subsequent arrest of a youth diverted on a status offense being a law violation is about 50%. This is compared with 78% of law violators who are rearrested on another law violation rather than a status offense.

TABLE 11

Original Charge by Offense Charged on Return

<u>Original Charge</u>	<u>Charge on Return</u>		<u>Total</u>
	<u>Law Violation</u>	<u>Status Offense</u>	
Law Violation	52 (77.6%)	15 (22.4%)	67
Status Offense	13 (48.1%)	14 (51.9%)	27

F. Referred for Further Services. As previously noted, youths referred for services have a higher percent of return than those counseled and released (53% to 26%). Refer to

Table 10). This may be partly explained by the data which indicates that youths who are counseled and released have fewer previous arrests than those who are referred for services, 87% to 61%. (See Table 12).

Data also show that the 15-16 year age groups are referred for services more than other age groups; this group also had more charges for status offenses. Since it is difficult to deal with status offenders, the police have referred them to services first, rather than to formal court services. (Refer to Appendix III).

TABLE 12

Disposition by Number of Previous Arrests

<u>Disposition</u>	<u>Number of Previous Arrests</u>							<u>Total</u>
	<u>None</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>5</u>	<u>6</u>	<u>9</u>	
Counsel and Release	264	26	9	3	2	-	-	304
	87%	9%	3%					
Services	19	5	1	2	1	1	2	31
	61%	16%	3%					

Counsel and release was used for majority of all age groups, with a high of 98% for 12 year olds. Twelve percent of the 7-11 and 16 year old age groups were referred for further services, as were 11% of all 15 year olds. This is compared with data on charges by age: the 15-16 year old groups had a higher percentage of status offenses.

TABLE 13

Disposition by Age

<u>Disposition</u>	<u>Age</u>					
	<u>7-11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>
Counsel and Release	37	43	50	54	68	52
	88%	98%	91%	91%	89%	88%
Services	5	1	5	5	8	7
	12%	2%	9%	9%	11%	12%
TOTAL	42	44	55	59	76	59

TABLE 14

Charge by Age

<u>Charge</u>	<u>7-11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>
Law Violation	35	38	48	49	57	44
	83%	86%	87%	83%	75%	75%
Status Offense	7	6	7	10	19	15
	17%	14%	13%	17%	25%	25%

Court Diversion

Total sample population: 117.

Sample population excluding 17 year old youths: 90.

A. Age and Sex. The sample population of 117 was composed of 62% males and 38% females. Ages ranged from 8 to 17 years. The largest age categories were the 15 and 17 year olds with 23% each.

TABLE 1

Sex of Sample Population of Youths
Diverted at Court Intake

<u>Sex</u>	<u>Number</u>	<u>Percent</u>
Male	73	62.4
Female	44	37.6
TOTAL	117	

TABLE 2

Age Distribution of Sample Population of Youths
Diverted at Court Intake

<u>Age</u>	<u>Number</u>	<u>Percent</u>
Below 12	7	6.0
12	6	5.1
13	6	5.1
14	24	20.5
15	27	23.1
16	20	17.1
17	27	23.1

B. Charges. Sixty-one percent of the sample were referred to court on a law violation charge, with theft under \$5, making up the largest single category (17 or 14.5%).

TABLE 3

Charges of the Sample Population of Youths
Diverted at Court Intake

<u>Offense Charge</u>	<u>Number</u>	<u>Percent</u>
Total Law Violations	72	61.5
Assault	4	3.4
Burglary	9	7.7
Theft, -\$5	17	14.5
Theft, \$5.01-\$50	7	6.0
Theft, \$50+	1	0.9
Criminal Property Damage	8	6.8
Possession/Promoting Drugs	4	3.4
Gambling	1	0.9
Trespass	4	3.4
Harassment	5	4.3
Other	12	10.3
Status Offenses	45	38.5
Runaway	27	23.1
PINS	6	5.1
Incorrigible	8	6.8
Curfew	4	3.4

C. Previous Arrests. Majority of the first referrals to court who were diverted, had no previous arrest (64%), or only one previous arrest (29%). Those charged with a status offense, however, had a higher percentage of no previous arrests than those with law violations, 70% to 60%.

TABLE 4

Charge by Previous Arrests

<u>Charge</u>	<u>Number of Previous Arrests</u>					<u>Total</u>
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>5+</u>	
Law Violation	42	19	6	2	1	70
	60%	27%	9%			
Status Offense	30	10	1	1	1	43
	70%	23%				
TOTAL	72	29	7	3	2	113
	65%	25%	6%	3%	2%	

Youths who were currently active with another agency at the time of referral to court, made up 21% (25) of the total diverted sample.

TABLE 5

Agency Active with by Charge

<u>Agency</u>	<u>Law Violation</u>	<u>Status Offense</u>	<u>Total</u>
Private	4	7	11
Public	3	11	14
TOTAL	7 (28%)	18 (72%)	25

- D. Referred to Other Services. Of the total sample population, 22 (18%) youths were referred to other services. These included Department of Social Services and Housing; Department of Health, Mental Health Clinics; Department of Education outreach counselors; Child and Family Service, Queen Liliuokalani Children's Center, Catholic Social Service, Hilo Interim Home, probation aides, and Hale Kipa. Of the 22 youths, 86% were charged with a status offense.

TABLE 6

Agency Referred to by Charge

<u>Agency</u>	<u>Law Violation</u>	<u>Status Offense</u>	<u>Total</u>
Private	-	7 (36.8%)	7
Public	3	11 (57.9%)	14
Other	-	1 (5.3%)	1
TOTAL	3 (13.6%)	19 (86.4%)	22

- E. Court Officer Contact. Most of the youths (49%) had one contact with the court officer prior to being diverted. (Contacts are defined as office interviews and telephone

calls.) The period between referral and the initial court Officer contact was usually within two weeks (54%); 38% were seen within a week of his referral to court (See Table 8). This measure, however, does not account for the date of arrest or the date of the commission of the offense.

TABLE 7

Frequency Distribution of the Number of Contacts Youths had with the Court Officer Prior to being Diverted

<u>Number of Contacts</u>	<u>Number</u>	<u>Percent</u>
None	6	5.1
1	57	48.7
2	23	19.7
3	3	2.6
4	8	6.8
5	7	6.0
6	1	0.9
7-10	2	1.7
More than 10	2	1.7
Not noted	8	6.8

TABLE 8

Period between Referral and First Contact with Court Officer

<u>Period</u>	<u>Number</u>	<u>Percent</u>
Within a week	44	37.6
1-2 weeks	19	16.2
2-3 weeks	11	9.4
3-4 weeks	11	9.4
Over 1 month	17	14.5
Not noted	15	12.8

For half of the youths (49%) diversion from the court commenced within 1-3 months after their referral was received by the court. Forty-four percent were diverted with a month of their referral.

TABLE 9

Period between Referral and Diversion

<u>Period</u>	<u>Number</u>	<u>Percent</u>
Within a week	15	12.8
1-2 weeks	12	10.3
2-3 weeks	14	12.0
3-4 weeks	11	9.4
1-2 months	27	23.1
2-3 months	30	25.6
Over 3 months	8	6.8

F. Return/no return to Court. Sixty-nine percent of the total sample diverted did not return to the court on another referral within the research period. Slightly more youths charged with status offense returned after being diverted--33% compared to 30% of law violations.

TABLE 10

Charge by Return or No Return to Court

<u>Charge</u>	<u>No Return</u>	<u>Return</u>	<u>Total</u>
Law Violations	38 (70.4%)	16 (29.6%)	54 (60%)
Status Offenses	24 (66.7%)	12 (33.3%)	36 (40%)
TOTAL	62 (68.9%)	28 (31.1%)	90

Of the 28 youths who returned to court after diversion, 71% were returned to court on a law violation charge, and 29% on a status offense. However, status offenders had a slightly higher percent of returning after being diverted: 33% compared to 30% (See Table 10). Those charged with a law violation usually returned on another law violation charge (94%), but those charged with a status offense had an even chance of returning on a law violation or status offense.

TABLE 11

Subsequent Charge on Return

<u>Original Charge</u>	<u>Law Violation</u>	<u>Percent</u>	<u>Status Offense</u>	<u>Percent</u>	<u>Total</u>
Law Violation	15	93.7	1	6.3	16
Status Offense	5	41.7	7	58.3	12
TOTAL	20	71.4	8	28.6	28

By age groups, youths 14 years old had the highest percent of return (40%), followed by 16 years old with 37%. Of the 27, 17 years old in the sample, one youth did return within the research period, prior to reaching the age of majority.

TABLE 12

Age by Return/No Return to Court

<u>Age</u>	<u>Return</u>	<u>Percent</u>	<u>No Return</u>	<u>Percent</u>	<u>Total</u>
Under 12	1	14.3	6	85.7	7
12	-	-	6	100.0	6
13	2	33.3	4	66.7	6
14	10	40.0	15	60.0	25
15	8	29.6	19	70.4	27
16	7	36.8	12	63.2	19
TOTAL	28	31.1	62	68.9	90

The number of court officer contacts had negligible impact on the return or no return of diverted youths (See Table 7). Forty-two percent of the youths diverted on a status offense returned within three months of diversion, and 62.5% of those charged with a law violation returned after six months (See Table 9).

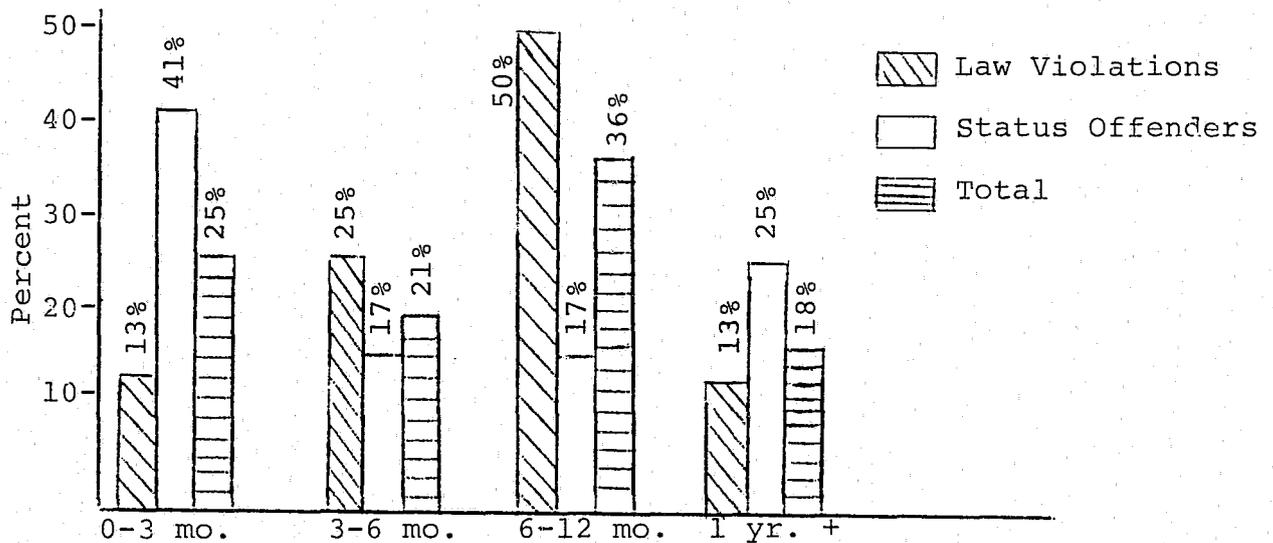
TABLE 13

Number of Court Officer Contact by Return

<u>No. Contacts</u>	<u>No Return</u>	<u>Return</u>
0-1	30 (48.4%)	11 (39.3%)
2-4	19 (30.6%)	12 (42.9%)
4+	12 (19.4%)	5 (17.8%)
Noted noted	1 (1.6%)	
TOTAL	62	28

TABLE 14

Period Between Diversion and Return by Charge



G. Status Offenders. As stated previously youths charged with a status offense (33%) had a higher percentage (33% to 30%) of return after diversion than those charged with law violations (refer to Table 10), and an earlier return date (42% within 0-3 months) than law violators (Table 14). The data also shows that status offenders were diverted earlier than those charged with a law violation: 53% of the status offenders were diverted within a month of their referral to court, compared with 37.5% of law violators.

TABLE 15

Period of Diversion by Charge

<u>Period</u>	<u>Status Offense</u>	<u>Percent</u>	<u>Law Violation</u>	<u>Percent</u>
1-2 weeks	17	37.8	10	13.9
2-4 weeks	7	15.5	17	23.6
1-3 months	18	40.0	39	54.6
3 months+	3	6.7	6	8.3

H. Diversion with Voluntary Restitution. In the Third Circuit and in one case of the Second Circuit, diversion of youths was accompanied by voluntary "restitution" and "donation to charity." All were charged with law violations and had no subsequent referrals to the court; 11 youths had no previous arrest record, and one had two arrests.

Of the other Third Circuit cases, 13 had no "restitution"; 8 were law violations--burglary, 4 harassment, assault, theft under \$5, and forgery--and 5 were status offenses. Of the 8 law violators, 6 had no previous nor subsequent arrests; 2 had previous arrests and no subsequent referrals to court.

TABLE 16

Youth Diverted with a Repayment Attached

<u>Charge</u>	<u>Restitution</u>	<u>Age</u>	<u>Sex</u>
Second Circuit			
Criminal Property Damage	Restitution by Work	14	M
Third Circuit			
Theft, -\$5	\$10 to Charity	8	F
Criminal Property Damage	\$10 Restitution	9	F
Criminal Property Damage	\$60 Restitution	17	M
Theft, -\$5	\$5 to Charity	14	M
Theft, -\$5	Donation to Charity	11	F
Burglary	\$10.20 Restitution	10	M
Burglary	\$32.02 Restitution	10	M
Theft, \$5.01-\$50	\$5 to Charity	16	F
Theft, \$5.01-\$50	\$10 to Charity	13	M
Criminal Property Damage	Restitution	14	M
Burglary	\$47.07 Restitution	17	M

IV. CONCLUSIONS

Police Diversion

- A. "Counsel and release" works well in that 72% of those diverted by police were not rearrested within the study period. Youths "counseled and released" on a law violation charge had a better percent of not returning to police attention (75%) than those charged with a status offense (59%). The criteria that the police use in "counsel and release" seem to be appropriate for most of the youths who are arrested on their first or second charge.

- B. There needs to be more follow up, especially for youths diverted by the police on a status offense charge to keep youths from further arrests and to assist them if they need services.

1. Within 3 months, 30% of the diverted youths were rearrested.
2. Youths diverted on a status offense had a higher percent of rearrest than those diverted on a law violation charge, 41% to 25%.
3. Females diverted on a status offense charge had a higher percentage of rearrest (46%) than did males charged with a status offense (34%).

Court Diversion

- A. Diversion by the court through the use of "informal adjustment" and "other disposition" works for first referrals to the court, in that the percent of youths who are re-referred to the court is low, 31%. In light of the fact that informal adjustment requires voluntary cooperation for the juvenile, the low number of re-referral look even better.
- B. The number of court officer's contacts with youths does not appear to be a significant factor in determining whether a diverted youth will return to court. The percentages of youths returning and not returning to court on a subsequent referral were comparatively similar.
- C. Youths charged with a status offense are diverted earlier and returned to court more frequently and earlier than do those diverted on law violations.
- D. The effectiveness of voluntary repayment to the victim or community as part of a diversion process has not been fully assessed.

The Third Circuit utilized voluntary restitution or donation to charity for all misdemeanor property crimes. Whether this acts as a preventive measure needs to be further evaluated.

V. RECOMMENDATIONS

- A. Police departments must commit themselves to diversion by developing and establishing procedures and/or a component in juvenile units to provide the necessary follow up to youths diverted from court processing. It should have access to/or capabilities to provide:
1. outreach and follow up;
 2. counseling, both crisis intervention and short-term;
 3. emergency shelter; and
 4. referral to other agencies for ongoing assistance.

Because juveniles and their parents are willing to accept services provided through diversion there is an incentive to use goal oriented programs with a group that is receptive to attention.

The 1974 Juvenile Justice Plan (p. 206-207) highlighted the need for follow up after a youth's involvement with a juvenile justice agency is terminated. It also called for an increase in services at the early phases of the juvenile justice system to insure a wider range of informal and "non-correctional" dispositions. Along with these services must be the capability to follow up or monitor the youth to determine whether the services were rendered

or if the youth needs assistance. The information gathered by the follow up may also assist in identifying gaps in services.

Experiences of the juvenile counselors in the Kauai and Maui counties seem favorable and in support of the recommendation. Over a five year period (1970-75), 19%, or 207 of the 1,066, of the youths who were referred to the Maui counselors were rearrested. The rearrest rates of youths referred to the Kauai counselor from 1976-77 were 37%, or 18 of the 40, for status offense cases and 20%, or 5 of the 25 for law violation cases.

The 1977-78 evaluation of the Child and Family Service Diversion project at the Family Court, concluded that diversion and support services should begin at the police level.

Anticipated Impact

Follow up and provision of needed services to youths at the police level will decrease the number of youths who were referred to court for further services.

- B. Prior to effecting informal adjustment for status offense cases, crisis intervention programs and referrals to other agencies shall be utilized as needed and monitored by the Family Court. As a result of this action, the court will need to monitor and assess the effectiveness or appropriateness of the services available.

This Court study indicated that more status offense cases returned after the initial diversion.

Youths charged with a status offense are usually referred to the Family Court because of family related problems. Yet, within the informal adjustment period, the youth and family may be resistant to assistance. Some families may need more "coercion" to seek assistance than currently utilized.

Further supporting statements:

1. Juvenile Justice Plan cited the need for wider range of informal and "non-correctional" dispositions.
2. Intensive Intervention Project. The 1976-77 project evaluation showed that the use of crisis intervention led to 86% diversion from court processing, and that 77% had no subsequent referrals to court. Referral to the project was used as part of the 90 day, Informal Adjustment (IA) period. Referrals to other agencies were successful in that 90.6% of the cases received the services.
3. Child and Family Service. Through 1975 and 1978, 70% (74) of the cases terminated by the program had no further referrals to court. As families are crisis oriented, the home visits and the availability of workers were deemed very important to the program's effectiveness.

Anticipated Impact

1. The population of adjudicated status offenders will be smaller, but the cases under supervision will have more serious or long standing problems.
 2. Caseload which need monitoring will increase.
 3. Resources (private and public) will need to be expanded and be accountable for service delivery and outcome.
- C. Interdisciplinary training for persons involved in diversion (police, court, service providers) shall initially be developed, coordinated, and implemented by SLEPA and continued under the auspices of the Juvenile Justice Interagency Board.

Ongoing workshops could offer training in methods and techniques, information on programs available, general operating procedures and criteria of various agencies in diversion, and discussion on problems encountered or issues pertinent to youth services in Hawaii.

In order to divert youths, personnel in the police department and court need to understand both the philosophy and criteria of diversion and the alternatives available in the community to effect diversion. Currently there is no formal training program for personnel within the system or in the community in the use of diversion.

Anticipated Impact

1. Service delivery will improve through better understanding of each agency's role, definition of diversion, procedures, criterias, and more communication among personnel.
 2. There will be continued development and implementation of interdisciplinary training programs.
- D. For the three specific recommendations, SLEPA should:
1. Provide continuing monitoring and evaluation for effectiveness. If inadequate or ineffective the present approaches should be altered or abandoned.
 2. Conduct research and search out innovative diversion programs and prepare a comparison of such new programs against the existing system.

APPENDIX I

POLICE RECORDS

ID Number _____ Name _____

Sex: M F D.O.B. _____ Ethnicity: _____

Beat/Zip _____ School _____

School status: Attending _____ Drop out _____ Other _____

Date of arrest: _____ Final Charge: _____

Siblings: Brother _____ Sister _____

older _____
younger _____

Parents' Marital Status: Single _____ Married _____ Separated _____
Divorced _____ Widowed _____ Not noted _____ Other _____

Disposition C/R _____ Juv. Counselor _____ YSB _____
& Date: DSSH _____ Private Agency _____ Other _____

* * * * *

Previous arrests: _____

Age of first arrest: _____

Previous Charges 1) _____ 2) _____
& Arrests: 3) _____ 4) _____

Previous Dispositions: Discharge _____ C/R _____ YSB _____

Juv. Counselor _____ DSSH _____ Private Agency _____

Family Court _____ HYCF _____ Other _____

* * * * *

Charge on return 1) _____ 2) _____
& Date: 3) _____ 4) _____

Disposition: Discharge _____ C/R _____ Juv. Counselor _____ YSB _____
DSSH _____ Private Agency _____ F. Ct. _____ Other _____

Length of time between C/R and return: _____

COURT INTAKE (IA/OD)

Case Number _____ Name _____

Sex: M F D.O.B.: _____ Ethnicity _____

Beat/Zip _____

Nature of Referral & Date: _____

Referring Agency: Police _____ DOE _____ DSSH _____
Private Agency _____ Other _____

Agency referred to: _____

Agency active with: _____

PO Contacts during IA/OD _____ (dates)

Referrals during period: _____ (dates)

Reasons for referrals: _____

Length of time between referral & 1st PO contact: _____

Date IA/OD completed: _____

* * * * *

Date returned to Court: _____

Reason for return: _____

Disposition: IA _____ OD _____ Petition _____

* * * * *

Previous Arrests: _____ Case Number: _____

Charges & Dates: _____

Ages of 1st arrest: _____

Parents' Marital Status: Single _____ Married _____ Separated _____
Divorced _____ Widowed _____ Other _____

Siblings: Brothers _____ Sisters _____
older _____
Younger _____

School: _____

School status: Attending _____ Drop out _____
Other _____

APPENDIX III

Referral agencies used by police in counsel and release.

Big Brothers/Big Sisters

Department of Health, Mental Health Clinics

Department of Social Services and Housing, public welfare

Hale Kipa

Hale Opio

Juvenile Counselors, Police Departments of Kauai and Maui

Queen Liliuokalani Children's Center

S E C T I O N C

REPEAT OFFENDERS

REPEAT OFFENDERS

I. INTRODUCTION

This segment of the Juvenile Justice Plan Supplement addresses the issue of chronic juvenile offenders. It is hypothesized that chronic juvenile offenders are responsible for a significant proportion of serious crime, in addition to creating a disproportional burden on the juvenile justice process.

This hypothesis is supported by several studies which have been published over the past 20 years. The most noteworthy is Marvin Wolfgang's tracing of 10,000 Philadelphia boys born in 1945.* This study found that approximately one-third of this group were arrested by police prior to age 18. However, about one-half of those never had another police contact. More importantly, out of the 10,000 boys, 627 or 6 per cent had committed five or more offenses prior to age 18, and this 6 per cent accounted for over half of all recorded delinquencies and about two-thirds of all violent crime attributed to the entire cohort. Therefore, because a substantial number of juvenile arrests for serious offenses can be attributed to a relatively small percentage of juveniles, much of our effort should be directed toward these juveniles.

*Marvin E. Wolfgang, Robert M. Figlio and Thorsten Sellin, Delinquency in a Birth Cohort, Chicago, University of Chicago Press, 1972.

II. PROBLEM IDENTIFICATION

As a result of examination of uniform crime reports, in addition to prominent studies (Wolfgang, et al.) which indicate that chronic offenders are a significant problem within the juvenile justice process, it was decided that the subject of chronic or repeat offenders should be examined more closely. It should be noted that the concern with chronic offenders was not adequately addressed in either the Hawaii Juvenile Justice Plan, 1974 or the Hawaii Criminal Justice Standards and Goals, Juvenile Justice, volume.

III. METHODOLOGY

To conduct this repeat offender survey, an examination of the criminal histories of juveniles arrested for robbery and burglary in the City and County of Honolulu during 1976 was accomplished. From all juveniles arrested for these two offenses two samples were developed. The first sample totaled 182 subjects and included all juveniles arrested for robbery in 1976. The second sample totaled 80 subjects and included juveniles arrested for burglary in 1976. The 80 subjects in the burglary sample were randomly selected from a universe of 709 total juvenile burglary arrests in 1976.

The police arrest record and the Family Court file on each subject were examined to identify: (1) demographic information, (2) number and nature of police arrests, (3) police dispositions, (4) number and nature of petitions

filed in Family Court, (5) number of adjudications, (6) Family Court disposition, and (7) confinements.

The offenses of burglary and robbery were selected for this survey because they are serious crimes, both by their nature and also because of the volume in which they occur. For example, in 1976, juveniles comprised 51 per cent of all persons charged for robbery and 67 per cent of all persons charged for burglary.

Operational Definition

The definition of repeat or chronic offender for purposes of this survey refers to all juveniles, 17 years or younger, who have been arrested two or more times for a criminal offense. This definition incorporates all juveniles who have been arrested but not referred to Family Court as well as those juveniles who were referred to Family Court and formally processed, whether adjudicated for the original offense charged or not. While some might insist that an adjudication is the only meaningful measure of repeat criminal activity, this study assumes that arrests are an equally accurate measure. This assumption is made because in many instances procedural and/or evidentiary issues may negate formal culpability even though a high probability of guilt exists.

IV. PROBLEM ANALYSIS (See Appendix for general outline of findings)

Frequency of Arrest

From the sample of 169 juveniles arrested for robbery in 1976, 144 or 85.2 per cent had been arrested for at least one other law violation, and from the sample of 72 juveniles arrested for burglary 49 or 68.1 per cent had been arrested for at least one other law violation. (Note: The traditional status offenses of PINS, runaway and curfew are not captured as law violations.) Although juveniles within the robbery sample were more likely to be repeat arrestees than those within the burglary sample, both sample groups possessed a high proportion of repeat arrestees.

While two arrests in many instances might not constitute a serious problem, the fact is that most repeat arrestees are arrested many times. For example, of the 144 repeat arrestees in the robbery sample, 104 or 72.3 per cent had been arrested four or more times for law violations, while 52 or 36.1 per cent of the same sample had been arrested four or more times for felonies.

A similar statistic was uncovered in the burglary sample where 37 of the 49 repeat arrestees or 75.5 per cent had been arrested four or more times for law violations, and 24 or 48.9 per cent had been arrested four or more times for felonies.

Apparently, once a juvenile has been arrested at least two times for law violations and one of the arrests is for burglary or robbery, it is highly probable that either the

juvenile already has an extensive arrest record or if not, future arrests for law violations will occur.

Age of Arrestees

Of those repeat arrestees arrested for robbery and burglary in the two samples, 76.4 per cent and 73.4 per cent respectively were 15, 16 or 17 year olds. Interestingly, 68.3 per cent of the robbery and 64.8 per cent of the burglary arrestees were arrested for their first law violation when they were 14 years old or younger. So not only are most repeat arrestees arrested numerous times but approximately two-thirds of both samples are arrested for their first law violation at a relatively young age.

System's Response to Arrestees

In examining the system's response to robbery and burglary arrestees, it was found that of the 144 repeat robbery arrestees, 52 or 36.1 per cent were either discharged or counseled and released by police. And of the 25 first-time robbery arrestees, 11 or 44.0 per cent were either discharged or counseled and released by police.

For repeat burglary arrestees, 17 or 34.7 per cent were discharged by the police. This result is consistent with the robbery sample. However, in examining police dispositions of first-time burglary arrestees it was discovered that 15 or 65.2 per cent were discharged by police. There is no readily available explanation for the high proportion of police

discharges. This high proportion of discharges is not necessarily a reflection of poor police arrest practices, but more likely a reflection of the difference between the "probable cause" needed to make an arrest and "proof beyond a reasonable doubt" which the prosecutor and court use in assessing guilt. A related factor in police discharges is witness or evidence deficiencies which at the time of arrest were not apparent.

Of the 92 juveniles referred to Family Court, 51 or 62.2 per cent were adjudicated for the original robbery charge, 28 or 34.1 per cent were adjudicated for a lesser offense or had their petitions dismissed, and 3 or 3.6 per cent were waived to adult court. The sample of burglary arrestees reflects a similar pattern of Family Court disposition.

For both the robbery and burglary samples, 35.4 per cent and 36.7 per cent respectively of repeat arrestees were ultimately adjudicated for those charges. Further, of the 51 offenders adjudicated for robbery, 15 or 34.1 per cent were committed to HYCF with 7 or 46.6 per cent of those committed for a short term (one month) commitment. The 15 juveniles ultimately committed to HYCF represent 10.4 per cent of the total number of repeat offenders arrested for robbery in 1976.

Nature of Robbery

It appears that the robberies being committed by juveniles are generally not as violent or threatening as those committed by adults. For example, verbal threats and/or bodily force were used in approximately 85 per cent of the robberies in

which juveniles were arrested. Weapons were used in only a relatively small percentage of robberies for which juveniles were charged.

V. CONCLUSIONS

The two major conclusions resulting from this survey suggest that the juvenile justice system in Hawaii is not adequately responding to the problems created by chronic offenders. The conclusions are:

- (1) Most repeat arrestees in our survey have been arrested for many law violations and their first contact with the juvenile justice system was at a relatively early age. The repeated arrests continued even though the juvenile justice system has had early and sometimes continuous contact with the juveniles; and
- (2) Many of the repeat arrestees arrested for serious law violations (burglary, robbery) ultimately avoid sanctions by the juvenile justice system. The reasons why offenders are filtered out of the system are well documented but whatever the reason may be in an individual case, our response to repeat offenders as a class appears inconsistent and uncertain.

VI. RECOMMENDATIONS

- A. There are two issues which should be resolved when dealing with serious or chronic offenders. The first is what effect any given disposition will have on actual or potential offenders, and the second, does the disposition give appropriate expression to our moral concern over the nature of the offense. To most effectively address these issues it is recommended that the Legislature, Family Court and the Department of Social Services and Housing adopt a philosophy and practices toward serious repeat offenders which recognize the importance of consistent dispositions.
- B. Because a significant number of juveniles arrested for serious offenses are discharged by the police and therefore filtered out of the system, it is recommended that a legal unit be established within the Honolulu Police Department distinct from the prosecuting attorney and corporation counsel with the goal of reducing the number of cases discharged by police or rejected by the prosecutor. Specifically, the legal unit would provide:
- 1) twenty-four hour a day case consultation;
 - 2) legal review of every case prepared for prosecution;
 - 3) training of police personnel in all relevant aspects of the law;
 - and 4) timely advice regarding changes in statutes and court interpretations.

OUTLINE OF GENERAL FINDINGS

ROBBERY

	<u>Number</u>	<u>Percent</u>
I. Juveniles Arrested (1976)		
A. Number of juveniles arrested	182	
B. Arrest records not available	13	
C. Population for survey	169	100.0
D. Number of repeat arrestees	144	85.2
E. Number of first-time arrestees	25	14.8
II. Disposition of Juveniles Arrested		
A. Police Disposition		
1. Repeat arrestees	144	
a. Counsel and release	1	0.7
b. Family Court	92	63.9
c. Discharged	51	35.4
2. First-time arrestees	25	
a. Counsel and release	1	4.0
b. Family Court	14	56.0
c. Discharged	10	40.0
B. Family Court Disposition (Repeat arrestees)		
1. Adjudication for robbery		
a. Yes	51	62.2
b. Lesser offense	11	13.4
2. Petition dismissed	15	18.3
3. Waived to Adult Circuit Court	3	3.6
4. Dismissed by prosecutor	2	2.4
5. Disposition of juveniles adjudicated for robbery (repeat)		
a. HYCF	15	34.1
b. Probation	14	31.3
c. Protective supervision	2	4.5

	<u>Number</u>	<u>Percent</u>
d. Counsel and release	7	15.9
e. Referral to community alternative	2	4.5
f. Unknown	4	9.0
6. Length of commitment to HYCF (months)		
a. One	7	
b. Five	1	
c. Six	1	
d. Eight	1	
e. Ten	1	
f. 12	1	
g. 27	1	
h. 43	1	
i. 49	1	
	(15 total)	

III. Offense Profile
(for offenses which petitions were filed)

A. Victim

1. Tourist	9	10.7
2. Resident	75	89.3

B. Location

1. Street	18	21.4
2. Establishment	19	22.6
3. Vehicle	6	7.1
4. Residence	8	9.5
5. Public park	4	4.8
6. School grounds	23	27.3
7. Other	6	7.1

C. Means of Force

1. Firearm	8	9.5
2. Knife	2	2.4
3. Blunt instrument	1	1.2
4. Bodily force	35	41.7
5. Verbal threat	36	42.9
6. Other	2	2.4

	<u>Number</u>	<u>Percent</u>
D. Injury to the Victim		
1. Serious (hospital)	6	7.1
2. Not serious	23	27.4
3. None	55	65.5

IV. Arrestee Profile	<u>Number</u>	<u>Percent</u>	<u>Cum. Percent</u>
A. Age at current charge (repeat arrestees)	144		
1. Ten years or under	1	0.7	0.7
2. 11 years	3	2.0	2.7
3. 12 years	5	3.5	6.2
4. 13 years	8	5.6	11.8
5. 14 years	17	11.8	23.6
6. 15 years	35	24.3	47.9
7. 16 years	35	24.3	72.2
8. 17 years	40	27.8	100.0
B. Age at current charge (first-time arrestees)	25		
1. Ten years or under	1	4.0	4.0
2. 11 years	0	0.0	4.0
3. 12 years	1	4.0	8.0
4. 13 years	3	12.0	20.0
5. 14 years	2	8.0	28.0
6. 15 years	5	20.0	48.0
7. 16 years	8	32.0	80.0
8. 17 years	5	20.0	100.0

	<u>Number</u>	<u>Percent</u>	<u>Cum. Percent</u>
C. Age at first law violation (repeat arrestees)	142		
1. Ten years or under	15	10.6	10.6
2. 11 years	10	7.0	17.6
3. 12 years	20	14.1	31.7
4. 13 years	17	12.0	43.7
5. 14 years	35	24.6	68.3
6. 15 years	24	16.9	85.2
7. 16 years	12	8.4	93.6
8. 17 years	9	6.3	99.9
	<u>Number</u>	<u>Percent</u>	
D. Sex of repeat arrestees	144		
1. Male	125	86.9	
2. Female	19	13.1	
	<u>Number</u>	<u>Percent</u>	<u>Cum. Percent</u>
E. Number of arrests per repeat arrestee (all law violations)	144		
1. Two arrests	18	12.4	12.4
2. Three arrests	22	15.3	27.7
3. Four arrests	10	6.9	34.6
4. Five arrests	21	14.6	49.2
5. Six arrests	16	11.1	60.3
6. Seven arrests	12	8.3	68.6
7. Eight arrests	5	3.5	72.1
8. Nine arrests	7	4.9	77.0
9. Ten arrests	5	3.5	80.5
10. 11 arrests	6	4.2	84.7
11. 12 or more	22	15.3	100.0

	<u>Number</u>	<u>Percent</u>	<u>Cum. Percent</u>
F. Number of Felony Arrests per Repeat Arrestee	144		
1. One arrest	37	25.7	25.7
2. Two arrests	21	14.6	40.3
3. Three arrests	34	23.6	63.9
4. Four arrests	12	8.3	72.2
5. Five arrests	15	10.4	82.6
6. Six arrests	3	2.1	84.7
7. Seven arrests	2	1.4	86.1
8. Eight arrests	4	2.8	88.9
9. Nine arrests	8	5.6	94.5
10. Ten arrests	1	0.7	95.2
11. 11 arrests	4	2.8	98.0
12. 12 or more	3	2.1	100.1

BURGLARY

	<u>Number</u>	<u>Percent</u>
I. Juveniles Arrested (1976)		
A. Total number of juveniles arrested in 1976	709	
B. Total sample	80	
C. Number in sample without record	8	
D. Total sample for survey	72	100.0
E. Number of repeat arrestees	49	68.1
F. Number of first-time arrestees	23	31.9

II. Disposition of Juveniles Arrested

A. Police Disposition

	<u>Number</u>	<u>Percent</u>
1. Repeat arrestees	49	
a. Counsel and release	0	0.0
b. Family Court	32	65.3
c. Discharged	17	34.7
2. First-time arrestees	23	
a. Counsel and release	0	0.0
b. Family Court	8	34.8
c. Discharged	15	65.2
B. Family Court Disposition (Repeat Arrestees)		
1. Adjudication for burglary		
a. Yes	18	56.2
b. Lesser offense	0	0.0
2. Petition dismissed	7	21.9
3. Waived to Adult Circuit Court	2	6.2
4. (Unable to locate case file)	5	15.6
5. Disposition of juveniles adjudicated for burglary (repeat arrestees)		
a. HYCF	7	38.9
b. Probation	2	11.1
c. Protective supervision	2	11.1
d. Counsel and release	1	5.5
e. Referral to community alternative	2	11.1
f. (Unable to determine)	4	22.2

III. Arrestee Profile	<u>Number</u>	<u>Percent</u>	<u>Cum. Percent</u>
A. Age at current charge (repeat arrestees)	49		
1. Ten years or under	2	4.1	4.1
2. 11 years	0	0.0	4.1
3. 12 years	0	0.0	4.1
4. 13 years	4	8.2	12.3
5. 14 years	7	14.3	26.6
6. 15 years	11	22.4	49.0

	<u>Number</u>	<u>Percent</u>	<u>Cum. Percent</u>
7. 16 years	12	24.5	73.5
8. 17 years	13	26.5	100.0
B. Age at current charge (first-time arrestees)	23		
1. Ten years or under	5	21.7	21.7
2. 11 years	2	8.7	30.4
3. 12 years	1	4.3	34.7
4. 13 years	3	13.0	47.7
5. 14 years	4	17.4	65.1
6. 15 years	4	17.4	82.5
7. 16 years	0	0.0	82.5
8. 17 years	4	17.4	99.9
C. Age at first law violation (repeat arrestees)			
1. Ten years or under	3	8.1	8.1
2. 11 years	2	5.4	13.5
3. 12 years	3	8.1	21.6
4. 13 years	9	24.3	45.9
5. 14 years	7	18.9	64.8
6. 15 years	8	21.6	86.4
7. 16 years	4	10.8	97.2
8. 17 years	1	2.7	99.9
	<u>Number</u>	<u>Percent</u>	
D. Sex of repeat arrestees	49		
1. Male	48	97.9	
2. Female	1	2.1	

		<u>Number</u>	<u>Percent</u>	
E.	Number of arrests per repeat arrestee (all law violations)	49		
	1. Two arrests	4	8.2	
	2. Three arrests	8	16.3	
	3. Four arrests	6	12.2	
	4. Five arrests	5	10.2	
	5. Six arrests	3	6.1	
	6. Seven arrests	5	10.2	
	7. Eight arrests	2	4.1	
	8. Nine arrests	4	8.2	
	9. Ten arrests	0	0.0	
	10. 11 arrests	3	6.1	
	11. 12 or more	9	18.4	
		<u>Number</u>	<u>Percent</u>	<u>Cum. Percent</u>
F.	Number of felony arrests per repeat arrestee	49		
	1. One arrest	6	12.2	12.2
	2. Two arrests	11	22.4	34.6
	3. Three arrests	8	16.3	50.9
	4. Four arrests	5	10.2	61.1
	5. Five arrests	7	14.3	75.4
	6. Six arrests	2	4.1	79.5
	7. Seven arrests	1	2.0	81.5
	8. Eight arrests	2	4.1	85.6
	9. Nine arrests	2	4.1	89.7
	10. Ten arrests	1	2.0	91.7
	11. 11 arrests	1	2.0	93.7
	12. 12 or more	3	6.1	99.8

S E C T I O N D

JUVENILE DETENTION

JUVENILE DETENTION

I. INTRODUCTION

Hale Hoomalu, the detention facility or "home" for juveniles on Oahu, sometimes identified as "DH," has in common with similar institutions nationally, a myriad of perplexing problems. In any discussion of Hale Hoomalu, problem areas relating to the adequacy and competency of staff personnel, staff morale and levels of compensation, lack of sufficient physical facilities and resources and the relationship of staff to judges and police are usually mentioned.

However, a major and constantly recurring concern cited about Hale Hoomalu relates to the duration of time that some juveniles, despite conscientious efforts by the Family Court, are required to spend at the DH in apparent contradiction to the concept of rapid and early diversion of juveniles from the criminal justice system as espoused in the State of Hawaii's Juvenile Justice Plan. Accordingly, the steering committee of the Juvenile Justice Plan Supplement sought to assess the situation at Hale Hoomalu respecting juveniles who are detained there in excess of eight days.

II. PROBLEM IDENTIFICATION

To assess the situation at Hale Hoomalu respecting juveniles detained there in excess of eight (8) days* in light of the

*The criteria of 8 days was selected since it represents the approximate number of days a juvenile admitted to DH is generally detained there before the Family Court holds its second detention hearing on the juvenile pursuant to Rule 135 of the Hawaii Family Court Rules.

provisions of the Hawaii Revised Statutes, Hawaii Family Court Rules and the Hawaii Criminal Justice Standards and Goals which intend that detention of juveniles be for a short duration:

1. Section 571-32(b), Hawaii Revised Statutes:
"No child shall be held in detention or shelter longer than forty-eight hours, . . . unless a petition has been filed or unless the judge shall otherwise order."
2. Rule 135 of the Hawaii Family Court Rules:
"At the conclusion of the hearing, the court shall order the child released from shelter care or detention, or it shall issue an order authorizing either shelter care or detention for up to seven days."
3. Goal 3.3 of the Juvenile Justice volume of the Hawaii Criminal Justice Standards and Goals which espouses short detention of juveniles and speedy diversion to community alternatives.
4. Section 571-32(a), Hawaii Revised Statutes:
"Any child taken into custody who requires care away from his home but who does not require secure physical restriction shall be given temporary care in any available foster home or other shelter facility."

III. METHODOLOGY

The goals and objectives of this research effort were intended to be primarily achieved by interviews and observations and by the collection, compilation and analysis of statistical data acquired from the Family Court of the First Circuit pertaining to juveniles detained at the DH on Oahu.

The data collected and analyzed included information extracted from the individual case folders and other records of juveniles admitted to the DH during the period of nine (9) months, October 1, 1977 through June 30, 1978, the annual

reports of the Judiciary and statistical data compiled by the DH, all of which focused upon, among others, the following major areas:

1. Total admissions at the DH
2. Length of detention
3. Detention in excess of eight days
4. Reasons for admission to DH
5. Reasons for detention in excess of eight days

SLEPA's intention and efforts to collect data pertaining to all juveniles detained at the DH in excess of eight days during the nine-month study period were not entirely successful as individual case folders were sometimes unavailable. However, the researcher was able to collect and analyze the case folders of 187 juveniles totaling 288 admissions* to the DH in excess of eight days during the study period and identify the significant data and findings contained in the next section.

IV. PROBLEM ANALYSIS

Significant Data and Findings

1. Total Admissions

A total of 1,534 juvenile admissions, both males and females, were recorded at the DH for the period October 1, 1977 to June 30, 1978 as follows:

Males	931	(61.0%)
Females	603	(39.0%)
Total	<u>1,534</u>	(100.0%)

*In computing admissions, a juvenile admitted to the DH on four separate occasions during the study period was counted as four admissions.

2. Detention in Excess of Eight (8) Days

- a. An estimated 16 percent of the total admissions to the DH during the study period resulted in a detention in excess of 8 days.
- b. Twenty-one percent of the female admissions to DH stayed in excess of eight days as compared with 14 percent of the male admissions.
- c. The largest number (52) and percentage (27.8) of juveniles, both males and females, were 16 years of age at the time of their first detention in excess of eight days at DH.

3. Length of Detention

- a. The length of detention in excess of eight days at DH for males ranged widely from a low of nine days to a case involving an extraordinary high of 201 days (6.7 months). as contrasted to a low of nine days and a high of 145 days (4.8 months) for female detainees.
- b. The average length of detention at DH for juveniles detained there in excess of eight days was 3.5 times greater than the average length of detention per admission for all admissions to the DH during FY 1976-77 as hereafter noted.

Average Length of Detention

	<u>All Admissions (FY 1976 - 77)</u>	<u>Study Population</u>
Males	7.3 days	27.1 days
Females	<u>8.2 days</u>	<u>25.4 days</u>
AVERAGE	7.5 days	26.2 days

4. Reasons for Admission to DH

- a. Approximately two-thirds (63%) of the juveniles detained at DH in excess of eight days were admitted on a PINS offense as indicated.

	<u>PINS</u>	<u>Law Violation</u>	<u>Other</u>	<u>TOTAL</u>
Males	76 (42%)	64 (66%)	5 (56%)	145
Females	<u>106</u> (58%)	<u>33</u> (34%)	<u>4</u> (44%)	<u>143</u>
TOTAL	182 (63%)	97 (34%)	9 (3%)	288 (100%)

- b. 58% of the PINS offenders were females as contrasted to 42% males.

- c. 63% of the PINS offenders (114 of 182) were admitted as runaways.

61% of the runaways were females (69 of 114) as contrasted to 39% males (45 of 114).

- d. 64 of 97 law violators (66%) were males as contrasted to 33 of 97 (34%) female law violators.

5. Reasons for Detention in Excess of Eight Days

- a. Approximately one-half of the juveniles in custody at DH in excess of eight days were detained thereat in need of placement elsewhere.

-- 98 of 202 juveniles (48.5%) were detained at DH in need of placement.

-- 65% or 64 of the 98 juveniles detained in need of placement were females.

- b. The other approximately one-half of the juveniles detained at DH in excess of eight days were there,

(a) pending court hearings, (b) awaiting return to other jurisdictions, or (c) pending evaluation.

-- Nearly two-thirds (46 of 70 or 66%) of the juveniles awaiting court hearings were males.

c. The DH has attempted to find placement for most of the juveniles detained there in excess of eight days.

-- Possible placement has been considered by DH in 88% or 253 of the 288 admissions.

d. §571-32, HRS, applicable to juveniles in custody at the DH, states:

"Any child taken into custody who requires care away from his home but who does not require secure physical restriction shall be given temporary care in any available foster home or other shelter facility."

e. DH difficulty in placing juveniles detained there in excess of eight days generally involves the following types of juveniles.

1) Sex. Placement difficulties exist for both males and females; however, placement of females seems more difficult as two-thirds of the juveniles detained in need of placement are females.

2) Age. Both male and female admissions to the DH peak at ages 15 and 16, with the largest number of male admissions at age 16 and female admissions at age 15.

3) Offense.

a) PINS vs. Law Violators. Placement difficulty exists for both PINS and law violators;

However, the problem seems more acute for PINS as nearly two-thirds of the juveniles detained in excess of eight days are PINS and 66% of the male law violators at the DH in excess of eight days are there awaiting court hearings.

b) PINS. Within the PINS category, runaways are without doubt the most difficult to place.

-- Runaways constitute 62% of the PINS admissions in excess of eight days (114 runaways of 184 PINS cases).

EXHIBIT "A"

REASONS FOR ADMISSION TO DETENTION HOME

	<u>Male</u>	<u>Female</u>	<u>TOTAL</u>
A. PINS			(182) (63.0%)
1. Runaway	45	69	114
2. Beyond Control	27	32	59
3. Injurious Behavior	4	5	9
B. Law Violators			(97) (34.0%)
1. Felony	28	11	39
2. Misdemeanor	20	14	34
3. Probation Violation	16	8	24
C. Others			(9) (3.0%)
1. Safekeeping	4	2	6
2. Court Order	1	2	3
	<u>145</u>	<u>143</u>	<u>288</u>
TOTAL	(50.4%)	(49.6%)	(100.0%)

EXHIBIT "B"

NEED FOR PLACEMENT

A.	<u>NEED PLACEMENT</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
1.	In Need of Placement	27	55	82
2.	No Vacancies	1	1	2
3.	Parents refuse custody	3	3	6
4.	Juvenile refuses to return home	2	4	6
5.	Parents cannot control	1	1	2
	TOTAL	34 (35%)	64 (65%)	98 (48.5%)
B.	<u>DO NOT NEED PLACEMENT</u>			
1.	Warrant/Awaiting transfer (includes "no available legally responsible party")	9	13	22
2.	Pending Evaluation	8	4	12
	TOTAL	17	17	34 (17%)
C.	<u>BOTH (SOME NEED AND OTHERS DO NOT NEED PLACEMENT)</u>			
	Pending Court hearing	46 (66%)	24 (34%)	70 (34.5%)

EXHIBIT "C"

REASONS FOR CONTINUED DETENTION

<u>REASONS</u>	<u>Male</u>	<u>Female</u>	<u>TOTAL</u>	(%)
A. Immediate Welfare (alone)	19	11	30	(11)
B. Protection of Community (alone)	0	0	0	0
C. Immediate Welfare and Protection of Community	3	1	4	(1)
D. Additional Reasons				
1. Pending placement	27	55	82	(29)
2. Pending Court hearing	46	24	70	(24)
3. OTR (Out To Return)	26	26	52	(18)
4. Warrant/Transfer	9	10	19	(7)
5. Pending evaluation	8	4	12	(4)
6. Parents refuse custody	3	3	6	(2)
7. Juvenile refuses to return home	2	4	6	(2)
8. No available legally responsible party	0	3	3	(1)
9. No vacancies	1	1	2	(.5)
10. Parents cannot control	1	1	2	(.5)
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL	145	143	288	(100.0)

V. CONCLUSIONS

1. Approximately sixteen (16) percent of the total admissions to the DH during the study period resulted in a detention in excess of eight (8) days.
2. A minimum of one-half of the juveniles in custody at DH in excess of eight (8) days were detained in need of placement elsewhere.
3. The DH has attempted to find placement for 88 percent of the juveniles detained in excess of eight (8) days.
4. Present residential placement resources in the community are insufficient to care for the placement needs at DH.
5. Additional short and long term residential placement resources in the community are needed for the following types of juveniles:
 - a. Sex: Both males and females; however, need for placement of females is more acute.
 - b. Age: Approximately 15 and 16 years of age for both males and females.
 - c. Offense: Both PINS and law violators need placement; however, need is greater for PINS, especially chronic runaways.

VI. RECOMMENDATIONS

- A. The Hawaii State Legislature assess the Corbett House project of the Family Court, First Circuit, in approximately February, 1980, and, if deemed successful, fund the continuous and permanent operation of Corbett House.

(The Corbett House project involves an award of \$67,105 for the period April 1, 1978 to March 31, 1979 by SLEPA to the Family Court, Judiciary, State of Hawaii, to establish and operate a community based residential facility on Oahu called Corbett House where juveniles, both males and females, needing closely supervised residential care may be placed from the DH and receive services such as crisis counseling, medical care and educational, vocational and employment assistance. Initially, Corbett House is intended to receive ten juveniles with a projected increase to 20 juveniles during the contemplated second year of the project.)

- B. SLEPA fund a pilot project to enable the Family Court to temporarily employ personnel to actively promote, seek, recruit and evaluate community based alternatives and to seek residential placement opportunities, especially foster and emergency shelter homes for juveniles under the jurisdiction of the Family Court at the DH. Such a project should include methods of encouraging more emergency shelter homes, methods of evaluating good foster and emergency shelter situations, and training methods for foster parents and emergency shelter personnel. The project should also focus on a determination of which agencies should be responsible for seeking residential placement opportunities and the level of foster care payments that should be paid. This pilot project, if deemed successful by the Hawaii State Legislature, should be permanently funded by State appropriations.

S E C T I O N E

HAWAII YOUTH CORRECTIONAL FACILITY

HAWAII YOUTH CORRECTIONAL FACILITY

I. INTRODUCTION

Background Explanation

The Hawaii Youth Correctional Facility (HYCF) is the only statewide facility available for the residential confinement of juveniles. Juveniles admitted tend to be those juveniles who have committed serious offenses or are repeat offenders.

The Juvenile Justice Plan recommends minimal use of institutionalized treatment such as provided by the HYCF and expanded use of community-wide programs. Under the plan, a facility such as the HYCF would house only the "hard core" juvenile who is a danger to the community or to himself.

II. PROBLEM IDENTIFICATION

Any long term view of the most effective role of the HYCF must touch on the unique relationship between the Family Court and the HYCF. A juvenile must be adjudicated by the Family Court before being sent to the HYCF. The Family Court either commits him to the HYCF for a specified or indeterminate term and relinquishes jurisdiction or commits the person to the facility, retaining concurrent jurisdiction. The terms vary considerably in length.

In light of this factor, the problem then is whether the HYCF is being properly used for detention of law violators committed for long- or short-term incarceration.

CONTINUED

1 OF 2

III. METHODOLOGY

As an approach to solving the problem, the following methodology is offered. Data developed for an LEAA discretionary monitoring grant and obtained from a prepared matrix by the Office of Corrections Information and Statistics, Intake Service Center, was used.

Data was collected on all juveniles who were committed to the HYCF during the three-year period commencing October 13, 1975 to October 13, 1978.

Although data is available on the total population from October 13, 1975 to October 13, 1978, this study was limited only to the duplicated admissions to the HYCF from July 1, 1976 to June 30, 1978. Duplicated admissions are those admissions who were admitted either previously or admitted again during the study period. A total of 537 admissions was identified as the study group.

IV. PROBLEM ANALYSIS

Significant Data and Findings

Based upon the data collected to address the identified problems, the following analysis was made and reported as significant data and findings:

1. Number of Admissions by Sex

During the study period (July 1, 1976 to June 30, 1978), there were 537 residents admitted in the HYCF. Of this number, 437 (81.38%) were males and 100 (18.62%) were females.

	<u>Number</u>	<u>%</u>
Male	437	81.38
Female	<u>100</u>	<u>18.62</u>
TOTAL	<u>547</u>	<u>100.00%</u>

At the entry point to the juvenile justice process, the percentage of male and female juveniles of the total number who initially are detained by the police and referred to the Family Court because of a law violation or status offense is approximately 64 percent to 36 percent. It is evident that by the time juveniles reach the most restrictive programs within the process, the ratio of males to females detained has increased substantially.

2. Prior Admissions of Those Admitted

There were 383 males and females with no prior admissions and 154 with prior admissions to the youth correctional facility before the study period. Of the 437 male admissions, 320 had no prior admissions and 117 had prior admissions to the study period. Of the 100 female admissions, 63 had no prior admissions and 37 had prior admissions. (See Table 1.)

Of the 154 male and female residents with prior admissions before the study period, a significant percent (17.2%) had only one previous admission. A decreasing number had two or more admissions.

One male resident had as much as seven admissions prior to the study period, and one female resident had as much as eight admissions prior to the study period. (See Table 1.)

3. Number of Subsequent Admission of Those Admitted

Of the 319 males who were admitted for their first admissions, 76 (23.82%) were later admitted a second time during the period. A decreasing number was readmitted more than twice with at least one male readmitted five times. Of the 74 females who were first admitted, 20 (27.03%) were later admitted more than once. One female was readmitted three times during the study period for a total of four admissions. (See Table 2.) Both Tables 1 and 2 demonstrate a high rate of repeat admissions of juveniles.

4. Age at Time of Admission

Juveniles admitted to the facility are most often 15, 16, and 17 years old. They make up 87 percent of all admissions. Although the Family Court Act permits a person up to age 19 to be held at the facility or the Penal Code permits detention of a youthful offender past age 18, referrals of youth age 19 are unusual. Younger admissions are not as common as older admissions because of the smaller number of younger juveniles who would be expected to be recidivists and unresponsive to community

based programs and need a period of incarceration.
(See Table 3.)

5. Admission by Type of Offense

The following comparison was made from Table 4, which showed that for the years 1977 and 1978, misdemeanor and felony admission offenses aggregated 395 (73.56% of the total admissions). There were 215 felony admissions contrasted to 180 misdemeanor admissions.

Probation violation admissions to the HYCF numbered 116 (21.61% of the total admission cases). Probation violators may originally have been on probation for having committed what would be a felony or misdemeanor if committed by an adult. Generally, the HYCF would be used only for the confinement of juveniles accused of what would be criminal offenses if committed by an adult and not for status offenders.
(See Table 4.)

6. Numbers of Furloughs per Admission

The following comparison between the males and females admitted to the HYCF and the number of furloughs taken during each admission was obtained from Table 5.

Males: 259 residents had no furloughs but the remaining 178 residents had one or more furloughs.

Females: 71 residents had no furloughs and the

remaining 29 residents had one or more furloughs. Furloughs are given generally for good behavior or in some cases for emergency family purposes. It is significant that over half of the juveniles admitted to the facility were never given furlough during this stay, indicating conduct not good enough to warrant furlough. Many of the juveniles are repeat admissions with probably limited potential for qualifying for furlough.

7. Escapes

The following analysis was obtained from Table 6.

Males: 363 residents had no escapes, and the remaining 74 had one or more escapes, with several having escaped at least five times.

Females: 58 residents had no escapes, and the remaining 20 had one or more escape attempts. Although there are no comparative standards, the number of escapes seems high and indicative of several possible factors such as undesirable facilities, insufficient security measures, or an extremely incorrigible population.

8. AWOLS

The following number of AWOLS by males and females was obtained from Table 7.

Males: 409 out of 437 have never gone AWOL, but the balance of 28 has gone AWOL one or more times.

Females: 94 out of 100 have never gone AWOL.

On first impression these are favorable statistics. However, AWOLS, by definition of the study, are persons who overstay furlough. A large number have never been furloughed and thus never had the chance to go AWOL.

9. Transfers (Transfer Number)

The following number of transfers by males and females was obtained from Table 8.

Males: 371 residents had no transfers, and the remaining 66 had one or more transfers.

Females: 94 residents had no transfers, and the remaining 6 had one or more transfers.

Table 8 demonstrates another kind of leaving the HYCF. Transfers are made from the HYCF to the Hawaii State Hospital on to the Community Correctional Facility. A surprising percentage of juveniles have at one point or another been transferred to the State Hospital for treatment. This percentage could be indicative of a population that has a higher than normal incidence of mental disorder.

Certainly, at the very least, a disruption of the normal activities of the facility occurs with the high frequency of transfers.

10. Mean Length of Stay
(Mean Number of Days)

	Mean Length of Stay (Mean Number of Days)	
	<u>Male (N = 437)</u>	<u>Female (N = 100)</u>
Sentence Time	195.70	152.35
Total Time	128.72	115.71

The mean sentence time is approximately six months but significantly juveniles actually serve only 65 to 76 percent of their sentence time. This could be attributed in part to the definition of total time which does not include furlough time, AWOL, escapes, or time on transfers. Even taking these into account, however, there seems a substantial reduction in sentence time which could be attributable to reasons such as reduced sentences or early parole for good behavior.

11. Median Length of Stay

218.5 males remained in the HYCF for less than 113 days (sentence time) and 86 days (total time), while 218.5 males remained in the HYCF for more than 113 days (sentence time) and 86 days (total time). 50 females remained in the HYCF for less than 86 days (sentence time) and 74 days (total time), while 50

females remained in the HYCF for more than 86 days (sentence time) and 74 days (total time).

12. Reason for Release from the Facility

When Family Court adjudicates a juvenile, it commits the juvenile to the HYCF but frequently keeps concurrent jurisdiction and refers the juvenile for a short term.

During the study period, 537 were released from the facility. 199 were discharged. The bulk of those cases were residents for whom the Family Court had concurrent jurisdiction and were discharged to the Family Court. 205 (38.18%) were paroled from the facility during the study period. 13 or 13.59% were discharged from the facility when they reached the age of majority. (See Table 9.) In the significant number of cases where discharges were to the Family Court because of its concurrent jurisdiction, the facility did not have complete authority to make a full assessment as to whether a juvenile was ready for discharge. Moreover, a significant percentage was discharged for reaching the age of majority with no other indication for determining whether they were ready for discharge.

V. Conclusions

1. Males were admitted to the HYCF 4-1/2 times as many as females.

2. 25% of all the HYCF admissions were readmitted to the facility.
3. 466 or the majority (87%) of the admissions are fifteen years and older.
4. A significant number of discharges occur because juveniles reach the age of majority with no indication that juveniles deserve or are ready for discharge.
5. The facility's security problem is significant with 94 escape incidents recorded during the study period.
6. A majority of all admissions remained in the facility for periods of shorter than the sentence time.
7. The facility has a high percentage of juveniles who have not shown acceptable conduct sufficient to warrant furlough or parole.
8. The statistics for the youth correctional facility has to be understood in the context that it receives the worst cases processed through the juvenile justice system.
9. Some of the statistics are paradoxical. The mean residence time is less than sentence time, indicating possibly good behavior, yet, the statistics that show the number who never get furloughed and who escape and who are repeat offenders indicate a reverse trend.

VI. RECOMMENDATIONS

- A. That the HYCF be used for the purpose of individualized treatment specifically formulated to meet the vocational, psychiatric, psychological, medical, dental, and academic

need of the serious and more recalcitrant juveniles committed for long-term confinement.

- B. As an alternative to the HYCF, that an intermediate program be provided to be used for the secure residential treatment of less recalcitrant juveniles for short-term commitments.
- C. That the Family Court review the disposition procedure to determine whether terms of confinement should extend beyond age 18 since so many terms end at age 18 with no indication as to whether a juvenile is ready for discharge.
- D. For sentences other than short-term confinement, that all of the Family Courts should commit juveniles to the youth correctional facility without retaining concurrent jurisdiction to permit HYCF the opportunity to determine whether a juvenile is ready for discharge. The Family Courts of the First Circuit and the Third Circuit have done this, but this policy is not followed uniformly by the Family Courts of the other circuits.

TABLE 1

Prior Admissions (Before Reporting Period)

Prior Admission Number	0	1	2	3	4	5	6	7	8
Male	320	72	32	10	1	1	0	1	0
Female	63	20	9	3	2	2	0	0	1
TOTAL	383	92	41	13	3	3	0	1	1
Percent	71.32	17.13	7.64	2.42	0.56	0.56	0.00	0.19	0.19

TABLE 2

Subsequent Admissions (During Reporting Period)

	First	Second	Third	Fourth	Fifth	Sixth	TOTAL
Male	319	76	27	12	2	1	437
Percent	73.00	17.39	6.17	2.75	0.46	0.23	100.00
Female	74	20	5	1	0	0	100
Percent	74.00	20.00	5.00	1.00	0.00	0.00	100.00
TOTAL	393	96	32	13	2	1	537
Percent	73.18	17.88	5.96	2.42	0.37	0.19	100.00

TABLE 3

Age at Time of Admission

1977 and 1978

Age	Total		TOTAL
	Male	Female	
12	1	0	1
13	12	4	16
14	41	13	54
15	101	31	132
16	149	31	180
17	131	21	152
18	2	0	2
<u>TOTAL</u>	<u>437</u>	<u>100</u>	<u>537</u>

TABLE 4

Admission by Type of Offense

1977 and 1978

Offense	Total		TOTAL
	1977	1978	
Unknown Offense Percent	1	3	4 0.75
Parole Violation Percent	2	6	8 1.49
Probation Violation Percent	83	33	116 21.61
Law Violation Percent	6	8	14 2.60
Misdemeanor Percent	88	92	180 33.52
Felony C Percent	50	22	72 13.41
Felony B Percent	74	41	115 21.42
Felony A Percent	20	8	28 5.21
TOTAL Percent	324 60.33	213 39.67	537 100.00

TABLE 5

Number of Furloughs

Furlough Number	Total		TOTAL
	Male	Female	
0	259	71	330
1	43	8	51
2	28	6	34
3	19	4	23
4	15	0	15
5	15	4	19
6	13	3	16
7	16	1	17
8	6	2	8
9	4	0	4
10	5	0	5
11	3	1	4
12	1	0	1
13	3	0	3
14	4	0	4
15	1	0	1
16	0	0	0
17	1	0	1
18	0	0	0
19	1	0	1
TOTAL	437	100	537

TABLE 6

Number of Escapes

TOTAL	Number of Escapes						TOTAL
	0	1	2	3	4	5	
Male	363	43	18	8	2	3	437
Percent	83.07	9.84	4.12	1.83	0.46	0.69	100.00
Female	80	14	5	1	0	0	100
Percent	80.00	14.00	5.00	1.00			100.00

TABLE 7

Number of AWOLS

TOTAL	Number of AWOLS					TOTAL
	0	1	2	3	4	
Male	409	17	7	2	2	437
Percent	93.59	3.89	1.60	0.46	0.46	100.00
Female	94	4	0	0	2	100
Percent	94.00	4.00			2.00	100.00

TABLE 8

Transfers (Transfer Number)

TOTAL	Number of Transfers						TOTAL
	0	1	2	3	4	5	
Male	371	42	14	3	6	1	437
Percent	84.90	9.61	3.20	0.69	1.37	0.23	100.00
Female	94	4	2	0	0	0	100
Percent	94.00	4.00	2.00				100.00

TABLE 9

Reasons for Release from Facility
(Percent of Total Releases)

1977 and 1978

Status	Male	%	Female	%	Total	%
Discharge	161	36.84	38	38.00	199	37.06
Parole	163	37.30	42	42.00	205	38.18
Reach Majority	64	14.65	9	9.00	73	13.59
Not Discharged*	49	11.21	11	11.00	60	11.17
TOTAL	437	100.00	100	100.00	537	100.00

*Not discharged means during the term of the study period. They may have been released later.

S E C T I O N F

PROBATION/PAROLE (AFTERCARE)

PROBATION/PAROLE (AFTERCARE)

I. INTRODUCTION

Background

This study was conducted by the State Law Enforcement Planning Agency to determine the incidence of recidivism after juvenile probation and parole and the effect of follow-up social services on recidivism. Both probation and parole have similar aims in that they both attempt to supervise, advise and assist the juvenile to reintegrate into the community.

In each of the four counties within the State, the juvenile probation function is the responsibility of the Family Court of the respective Circuit Court. Assistance is provided to minors placed on probation by the Children and Youth Services probation officers.

On Oahu, the juvenile parole function is performed by the Hawaii Youth Correctional Facility-Juvenile Parole Section, Corrections Division, Department of Social Services and Housing. Assistance is offered to juvenile offenders by the juvenile aftercare counselors. On the neighbor islands, the juvenile parole function is the responsibility of the Family Court of the respective Circuit Court.

II. PROBLEM IDENTIFICATION

Problem Statement

Very little attention has been paid to aftercare in both the Juvenile Justice Plan and the Juvenile Justice Standards and Goals. We need to examine this area to determine the effect aftercare has on recidivism. Therefore, this study shall attempt to determine the effects that aftercare programs such as juvenile probation and parole and follow-up social services have upon recidivism.

III. METHODOLOGY

A 20% random sampling of the statewide total number of juveniles terminated from probation and the statewide total number of juveniles terminated from parole during the period July 1, 1973, to June 30, 1974, was used. The cases terminated during this period were followed through June 30, 1977, for court adjudication even if a juvenile exceeded the age of majority.

To collect the necessary data, questionnaires were developed and used to get information from the Family Courts and the Youth Correctional Facility.

IV. PROBLEM ANALYSIS

A. Juvenile Probation

Group Characteristics

The random sampling consisted of 86 cases. This is 20% of the total of 432 cases terminated from juvenile probation during July 1, 1973, to June 30, 1974. The group had the following characteristics.

Sex: 64 males (74%); 22 females (26%)

Age: Males range from 14 to 19 years (Mean 16.8 years)

Females range from 14 to 18 years (Mean 16.1 years)

Recidivist Group Characteristics

Of the sample group of 86, 30 (34.9%) recidivated. Of this group of 30, 20 (66.7%) had been discharged for good behavior and 10 (33.3%) had been discharged because they reached the age of majority.

Of the group of 56 which did not recidivate, 36 (54.3%) had been discharged for good behavior and 20 (35.7%) had been discharged because they reached the age of majority.

In comparing the two groups, one cannot discern if the reason for discharge from probation affects the recidivism rate.

Of the group of 30 that recidivated, the following types of offenses were committed that made them recidivists.

Conduct Offense - 10 cases

Crimes Against Person - 3 cases

Crimes Against Property Rights - 17 cases

Follow-up Social Services and Recidivism

Of the sample group of 86, 8 received follow-up social services meaning that they were enrolled in a continuing program of counseling and services after termination of probation. Of this smaller group of 8, 5 (62.5%) recidivated, a much higher percentage than the recidivism rate taken as a whole.

Because the sample is so small, it is difficult to meaningfully analyze this data. Of the 5 that did recidivate, 2 had been terminated for good behavior and 3 had been terminated because they reached the age of majority. No clue is thus discernible in the type of discharge to indicate why there would be a higher recidivism rate when they receive aftercare services. Again, of the 5 that did recidivate, the following types of offenses were committed that made them recidivists.

Conduct Offense - 1 case

Crime Against Person - 0

Crime Against Property Rights - 4 cases

One can only suggest a general correlation between recidivists as a whole and the smaller recidivist group that received follow-up services in that the kinds of offenses that they committed again seem to be predominantly conduct and property rights offenses.

B. Juvenile Parole

Group Characteristics

All the 59 cases terminated from juvenile parole during July 1, 1973, to June 30, 1974, were studied. The group had the following characteristics.

Sex: 48 males (81.4%); 11 females (18.6%)

Age: Males range from 17 to 19 years (Mean 17.9 years)

Females range from 16 to 18 years (Mean 17.6 years)

Recidivist Group Characteristics

Of the total group of 59, 36 (61%) recidivated within a 3-year period after being terminated from parole. Of this group of 36, 1 (2.8%) had been terminated for good behavior and 35 (97.2%) had been terminated because they reached the age of majority.

Of the group of 23 that did not recidivate, 6 (26.1%) had been terminated from parole because of good behavior and 17 (73.9%) had been terminated because they reached the age of majority.

In comparing the two groups, the relatively few that had been discharged for good behavior in both groups appears to be a factor affecting the recidivism rate.

Of the group of 36 that recidivated, the following types of crimes were committed that made them recidivists.

Conduct Offense - 5 cases

Crime Against Person - 4 cases

Crime Against Property Rights - 27 cases

Follow-up Social Services and Recidivism

Of the group of 59 cases, 32 (54.2%) received follow-up social services, meaning they were enrolled in a continuing program of counseling and services after termination of parole. Of this smaller group of 32, 21 (65.6%) recidivated, a higher percentage than the recidivism rate of the group as a whole (61%).

The results are puzzling. Logically, follow-up social services should result in a lower recidivism rate. Possibly the sample is not large enough and the characteristic of the group as "hard-core offenders" may make a difference.

Of the 21 in the group who received continuing services, all had been terminated from parole because they reached the age of majority, little difference from the group taken as a whole.

Of the 21 in the group who received continuing services and recidivated, the following types of offenses were committed that made them recidivists.

Conduct Offense - 1 case

Crime Against Person - 3 cases

Crime Against Property Rights - 17 cases

A general correlation exists between recidivists in general and the smaller recidivist group who received follow-up services in that crimes committed again are predominantly against property.

V. CONCLUSIONS

Juvenile Probation

The 34.9% recidivism rate among those who terminated from probation is significant enough to warrant concern especially in light of the fact that two-thirds of them terminated probation because of good behavior. The sample, although not large, is numerous enough to indicate some reliability.

It is impossible to make any real conclusion about the effect of follow-up services on recidivism because the sample is so small. Assuming the validity of the premise that continuous counseling should make a difference, one would expect the rate of recidivism to be lower but the sample did not give this indication.

When contrasted with a much higher recidivism rate for those who terminated from juvenile parole, the recidivism rate of those terminating juvenile probation is impressive. However, the characteristic of the group may have an important bearing on the rate. Probationers include many who come under the jurisdiction of the Family Court once and do not get into trouble again. Parolees are more "hard-core" having been sent to the Youth Correctional Facility because probation or other remedies have been exhausted.

The difference, of course, may also be an indication of the relative strengths of the two programs, juvenile probation and juvenile parole.

Juvenile Parole

The 61% recidivism rate within the subsequent 3-year period among those who terminated from juvenile parole on first impression captures immediate concern.

As indicated previously, it may be an indication of the contrasting ineffectiveness of the programs. There are, however, factors which surely play a part.

The characteristic of the parole group as potentially "hard-core" makes this group possibly much less receptive to the services provided through juvenile parole.

Almost all who had terminated the program (approximately 97%) had terminated because they reached the age of majority. They may, of course, have been ready for termination but the act of simply reaching a statutory age limit is not a reliable indicator that a person is ready for termination.

Of the group that received follow-up social services, 65.6% recidivated, a rate actually higher than the recidivism rate for the group released from parole. This could be again an indication of the strength of the program. It could also be affected by the factors characteristic of the group.

VI. RECOMMENDATIONS

A. Juvenile Probation

That Family Court examine its review process in terminating juveniles from probation to determine whether they are being released before being ready for termination, and if there is reasonable doubt, that juveniles remain on probation beyond age of majority up to 19 years of age.

Anticipated Impact

1. More frequent use of social services available in the community.
2. Lower recidivism rate.

B. Juvenile Parole

1. That juvenile parole be abolished as a separate program of the Department of Social Services and Housing and provide the services as an extended furlough program of the Youth Correctional Facility with supervision and referral to community programs made through the Facility.
2. That follow-up services be offered as part of the extended furlough program of the Youth Correctional Facility.

Anticipated Impact

1. Better monitoring of juveniles who participate in community programs.
2. Better utilization of resources and some savings.
3. Lower recidivism rate.

STATISTICAL FINDINGS

JUVENILE PROBATIONTABLE 1

Description of Total Population

	<u>Number</u>	<u>Percent</u>
Number Terminated from Probation During FY 1973-1974	432	100.0
Sex of Subjects Terminated from Probation		
Male	361	84.0
Female	71	16.0

TABLE 2

Description of Random Sample Population

	<u>Number</u>	<u>Percent</u>
Number of Sample Population (20% of 432)	86	100.0
Sex and Age of Sample Population		
Male	64	74.0
19 years	1	2.0
18 years	22	34.0
17 years	18	28.0
16 years	14	22.0
15 years	5	8.0
14 years	4	6.0
Female	22	26.0
18 years	7	31.8
17 years	8	36.4
16 years	3	13.6
15 years	3	13.6
14 years	1	4.6

TABLE 3

Offenses Committed by Subjects Prior to Probation
(N = 86)

	<u>Number</u>	<u>Percent</u>
Status Offense	6	7.0
Conduct Offense	19	22.0
Crime Against Person	6	7.0
Crime Against Property Rights	55	64.0

TABLE 4

Duration of Probation Period
(N = 86)

	<u>Number</u>	<u>Percent</u>
1 - 5 months	16	18.6
6 - 10 months	27	31.4
11 - 35 months	32	37.2
36 months and longer	11	12.8

TABLE 5

Follow-up Social Service Assistance Received
Subsequent to Termination from Probation

	<u>Number</u>	<u>Percent</u>
Number of Subjects who Received Follow-up Social Service Assistance	8	9.3
Male	6	75.0
Female	2	25.0

TABLE 6

Length of Follow-up Social Service Assistance Period
(N = 8)

	<u>Number</u>	<u>Percent</u>
3 months	1	12.5
3-1/2 months	1	12.5
3-3/4 months	1	12.5
4 months	2	25.0
5-1/2 months	1	12.5
12 months	1	12.5
17-3/4 months	1	12.5

TABLE 7

Recidivism Subsequent to Termination from Probation

	<u>Number</u>	<u>Percent</u>
Total Number of Cases that Recidivated within a Three-Year Period Subsequent to Termination from Probation	30 of 86	34.9
Sex and Age		
Male	26	86.7
20 years	7	26.9
19 years	9	34.6
18 years	4	15.4
17 years	5	19.2
16 years	1	3.9
Female	4	13.3
19 years	2	50.0
18 years	1	25.0
17 years	1	25.0

TABLE 8

Number Received Follow-up Social Service Assistance
that Recidivated

	<u>Number</u>	<u>Percent</u>
Total Number of Recidivists that Received Follow-up Social Service Assistance	5 of 8	62.5
Sex and Age		
Male	5	100.0
20 years	3	60.0
19 years	2	40.0

TABLE 9

Number did not Receive Follow-up Social Service Assistance
that Recidivated

	<u>Number</u>	<u>Percent</u>
Total Number of Recidivists that did not Receive Follow-up Social Service Assistance	25 of 78	32.1
Sex and Age		
Male	21	84.0
20 years	4	19.05
19 years	7	33.3
18 years	4	19.05
17 years	5	23.8
16 years	1	4.8
Female	4	16.0
19 years	2	50.0
18 years	1	25.0
17 years	1	25.0

TABLE 10

Offenses Committed by Recidivists that Received
Follow-up Social Service Assistance
(N = 5)

	<u>Number</u>	<u>Percent</u>
Status Offense	0	0.0
Conduct Offense	1	20.0
Crime Against Person	0	0.0
Crime Against Property Rights	4	80.0

TABLE 11

Offenses Committed by Recidivists that did not Receive
Follow-up Social Service Assistance
(N = 25)

	<u>Number</u>	<u>Percent</u>
Status Offense	0	0.0
Conduct Offense	9	36.0
Crime Against Person	3	12.0
Crime Against Property Rights	13	52.0

JUVENILE PAROLE

TABLE 12

Description of Total Population

	<u>Number</u>	<u>Percent</u>
Number of Total Population	59	100.0
Sex and Age of Total Population		
Male	48	81.4
19 years	1	2.1
18 years	43	89.6
17 years	4	8.3
16 years	0	0.0
Female	11	18.6
19 years	0	0.0
18 years	8	72.7
17 years	2	18.2
16 years	1	9.1

TABLE 13

Offenses Committed by Subjects Prior to HYCF Commitment
(N = 59)

	<u>Number</u>	<u>Percent</u>
Status Offense	0	0.0
Conduct Offense	11	18.6
Crime Against Person	11	18.6
Crime Against Property Rights	37	62.8

TABLE 14

Duration of Parole Period
(N = 59)

	<u>Number</u>	<u>Percent</u>
2 - 30 days	9	15.3
1 - 10 months	27	45.7
11 - 20 months	12	20.3
21 - 45 months	11	18.7

TABLE 15

Follow-up Social Service Assistance Received
Subsequent to Termination from Parole

	<u>Number</u>	<u>Percent</u>
Number of Subjects who Received Follow-up Social Service Assistance	32 of 59	54.2
Male	28	87.5
Female	4	12.5

TABLE 16

Number did not Receive Follow-up Social Service Assistance

	<u>Number</u>	<u>Percent</u>
Total Number of Recidivists that did not Receive Follow-up Social Service Assistance	27 of 59	45.8
Male	20	74.1
Female	7	25.9

TABLE 17

Length of Follow-up Social Service Assistance Period
(N = 32)

	<u>Number</u>	<u>Percent</u>
1 - 5 months	7	21.9
6 - 15 months	17	53.1
16 months and longer	8	25.0

TABLE 18

Recidivism Subsequent to Termination from Parole

	<u>Number</u>	<u>Percent</u>
Total Number of Cases that Recidivated within a Three-Year Period Subsequent to Termination from Parole	36 of 59	61.0
Sex and Age of Recidivists		
Male	32	88.9
22 years	1	3.1
21 years	2	6.3
20 years	4	12.5
19 years	11	34.4
18 years	14	43.7
Female	4	11.1
20 years	1	25.0
19 years	3	75.0

TABLE 19

Number Received Follow-up Social Service Assistance
that Recidivated

	<u>Number</u>	<u>Percent</u>
Total Number of Recidivists that Received Follow-up Social Service Assistance	21 of 32	65.6
Sex and Age		
Male	18	85.7
22 years	1	5.6
21 years	1	5.6
20 years	3	16.6
19 years	5	27.8
18 years	8	44.4
Female	3	14.3
19 years	3	100.0

TABLE 20

Number did not Receive Follow-up Social Service Assistance
that Recidivated

	<u>Number</u>	<u>Percent</u>
Total Number of Recidivists that did not receive Follow-up Social Service Assistance	15 of 27	55.6
Sex and Age		
Male	14	93.3
21 years	1	7.1
20 years	1	7.1
19 years	6	42.9
18 years	6	42.9
Female	1	6.7
20 years	1	100.0

TABLE 21

Offenses Committed by Recidivists that Received
Follow-up Social Service Assistance
(N = 21)

	<u>Number</u>	<u>Percent</u>
Status Offense	0	0.0
Conduct Offense	1	4.8
Crime Against Person	3	14.3
Crime Against Property Rights	17	80.9

TABLE 22

Offenses Committed by Recidivists that did not Receive
Follow-up Social Service Assistance
(N = 15)

	<u>Number</u>	<u>Percent</u>
Status Offense	0	0.0
Conduct Offense	4	26.7
Crime Against Person	1	6.7
Crime Against Property Rights	10	66.6

S E C T I O N G

AREAS OF FURTHER STUDY

AREAS OF FURTHER STUDY

In the introduction, the point is made that the Juvenile Justice Plan implementation is a dynamic process involving adding to the data base, revising conclusions and recommendations, focusing the plan on certain specific problems and formulating new conclusions and recommendations. This supplement is active evidence of that process indicating the need for further studies and interim solutions during implementation. The following possibilities were surmised in each of the study areas.

Coordination and Communication

In the study of coordination and communication some arrangement should be made to convene an Ad Hoc Committee to examine the problems of information gathering, information sharing, information analysis and uniform terminology within the juvenile justice system until the new Juvenile Justice Interagency Board can be convened.

There should additionally be some focus on the power and scope of the Juvenile Justice Interagency Board.

Diversion

In the study of diversion, some interesting results were shown in the use of restitution and community service as one of the conditions of diversion. This is an alternative with an element of broad appeal and should be fully studied to see if further expansion should be investigated. The review should include:

1. Criteria to use in utilizing alternatives, and

2. Legal ramifications such as a recipient's right to enforce a repayment provided for in a court order.

Repeat Offenders

The Family Court's use of waiver to Adult Circuit Court, particularly in cases where a juvenile age 16 or 17 has been charged with a class "A" felony, should be examined to:

1. Profile the manner in which these types of cases are being processed by Family Court;
2. Assess the dispositions of these types of cases, to include both those waived and those not waived; and
3. Evaluate and recommend any possible changes in current policies or practices with regard to the handling of these types of cases.

The issue of identifying juveniles who have a tendency to be repeat offenders has been mentioned but not activated in the Juvenile Justice Plan of 1974. However, serious consideration should be given to undertaking such a study to formulate a strategy for dealing with a juvenile at an early stage before he is likely to become a repeat offender. There are, of course, many ramifications, such as the possibility that the very act of identifying a juvenile as a pre-delinquent may cause a juvenile to embark on a mode of criminal behavior.

Detention

The study on the detention home showed the large number of juveniles kept there pending placement rather than for the purpose

of holding the relatively small number who must be detained prior to adjudication. A study should be done to determine whether the use of DH for holding pending placement is necessary or advisable.

A related study is also needed to assess the DH's need and full use of public and private outpatient treatment services to reduce the substantial use of DH.

In addition, the Hilo Interim Home needs to be assessed to determine whether permanent funding should be arranged. The assessment would also be useful for planning purposes for similar facilities in other counties. (The Hilo Interim Home is operated by the Salvation Army as a temporary residence with a capacity of eight juveniles who cannot be sent home or are waiting for placement in other programs. It is not a detention facility. It is funded by federal, State and United Way funds.)

The Youth Correctional Facility

One of the problems encountered in the course of data gathering for the supplement was the different interpretations put on data and, in some cases, different terminology for the Youth Correctional Facility and the Family Court.

A unified and standard system of filing and recordkeeping may be beneficial for these agencies and all agencies involved in the juvenile justice process and its feasibility and use for planning purposes should be further studied.

Juvenile Probation and Parole

The inconclusiveness of the statistics on the impact of continuing social services on the recidivism rate after probation

and parole indicate a further more extensive review is warranted to determine whether these services are necessary.

If juvenile parole is to be replaced by an extended furlough program from the Youth Correctional Facility, then a study should be made of an extended furlough program (1) to evaluate the quality of services being offered, (2) to evaluate furlough aftercare needs of participants and (3) to determine additional resources needed to deliver an "expanded" furlough program.

General

The focus of the studies contained in this Supplement concentrates on improving the performance of the juvenile justice system which indirectly may reduce the rate of juvenile delinquency. Many persons and groups interested in juvenile justice have advocated further research on programs which specifically are meant to cope with reducing delinquency in juveniles.

The Juvenile Justice Plan of 1974 describes many programs such as one-to-one interaction between volunteers and juveniles, tutoring and sponsorship of special classes and school presentation programs. Some attention should be given to evaluating the effectiveness of these programs.

In conclusion, the point should be made that the quest for improvement is always occurring in the juvenile justice system as long as evaluation takes place. Progress from even 20 years ago has been immense in juvenile justice in terms of new programs and an enlightened philosophy. However, there will probably never be a point where it will be possible to say that the juvenile justice system should not be changed.

END