

---

---

# A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH  
CORRECTIONAL FACILITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. This Act is recommended by the governor for  
2 immediate passage in accordance with section 9 of article VII of  
3 the Constitution of the State of Hawaii.

4           SECTION 2. Act 178, Session Laws of Hawaii 2005,  
5 appropriated \$6,278,187 to the department of human services  
6 (DHS), office of youth services (OYS) to operate the Hawaii  
7 youth correctional facility (HYCF) for fiscal year 2005-2006. A  
8 critical funding emergency exists regarding the on-going  
9 operations of HYCF.

10           On August 4, 2005, the United States Department of Justice  
11 (DOJ) issued a findings letter concerning its investigation of  
12 the conditions at HYCF. In the findings letter, DOJ concluded  
13 that the State failed to protect confined juveniles from harm,  
14 provided inadequate access to mental health and medical care,  
15 and provided inadequate access to education instruction for  
16 youth with disabilities.



1           Effective on February 9, 2006, DOJ and the State entered  
2 into a memorandum of agreement to settle the issues identified  
3 in the August 4, 2005, findings letter. The State agreed to  
4 take substantive remedial measures in the areas of protecting  
5 confined juveniles from harm, training HYCF staff, providing  
6 confined juveniles with access to medical and mental health  
7 care, and providing confined juveniles with access to special  
8 education services. The State also agreed to document its  
9 compliance with the provisions of the memorandum of agreement,  
10 to implement a quality improvement program, and to engage a  
11 federal monitor.

12           To comply with the memorandum of agreement, OYS must reform  
13 HYCF's policies and procedures to ensure that daily practices,  
14 reporting, and monitoring by direct care and support staff  
15 reduce the likelihood of suicide, self harm, staff abuse, and  
16 juvenile-on-juvenile assaults. OYS must also develop and  
17 implement a training program for HYCF staff on the reformed  
18 policies and procedures. To improve access of confined  
19 juveniles to medical and mental health care, OYS must improve  
20 interdisciplinary communication among medical and mental health  
21 staff, including department of health (DOH) staff, and develop a  
22 centralized management system to make key information on



1 confined juveniles reasonably available to medical and mental  
2 health care staff. To improve access of confined juveniles to  
3 special education services, OYS must collaborate with the  
4 department of education (DOE) to provide special education,  
5 vocational education, and section 504 educational services  
6 within a reasonable time following intake at HYCF. As part of  
7 the memorandum of agreement, OYS must document and report on  
8 improvement efforts to DOJ and to the federal monitor.

9 To make the required improvements, OYS has, through an  
10 interagency personnel act exchange with the juvenile justice  
11 division of the federal Bureau of Prisons, engaged a chief  
12 technical advisor to the HYCF administrator. In addition, OYS  
13 has procured one consultant and seeks to procure the services of  
14 a team of four other consultants with expertise in key areas to  
15 work with HYCF project teams on memorandum-required  
16 improvements. OYS will seek to engage a clinical director to  
17 assist with interdepartmental program coordination and in-  
18 facility service improvement, as well as a training specialist  
19 to develop and implement the required training plan for HYCF  
20 staff, volunteers, HYCF contractual employees, and appropriate  
21 OYS employees. To satisfy the requirements of the memorandum of



1 agreement with DOJ, OYS will incur these and other costs,  
2 including:

3 (1) The competitive procurement of parole services to  
4 improve efforts to reintegrate confined juveniles back  
5 into their communities;

6 (2) The annual subscription for participation in the  
7 performance-based standards program to track  
8 improvements and compliance with reformed policies;  
9 and

10 (3) Printing of training manuals and materials.

11 DOH provides mental health services at HYCF. For the State  
12 to meet its commitments under the memorandum of agreement, DOH  
13 will require additional personnel to provide timely suicide risk  
14 assessments and evaluations, improved mental health care plans,  
15 monitoring of all confined juveniles for need for mental health  
16 services, training of HYCF staff on identifying juveniles at  
17 risk of suicide and suicide precautions, substance abuse  
18 counseling, quality assurance, and compliance monitoring.

19 Likewise, DOE provides educational services at HYCF. For  
20 the State to meet its commitments under the memorandum of  
21 agreement, DOE will require additional funding and personnel.



1       The purpose of this Act is to appropriate additional  
2 general fund moneys and authorize additional permanent and  
3 temporary positions to permit HYCF to carry on its ongoing  
4 operations and to allow DHS, OYS, DOH, and DOE to comply with  
5 the State's obligations under the memorandum of agreement with  
6 DOJ.

7       SECTION 3. Act 178, Session Laws of Hawaii 2005, is  
8 amended by adding a new section to part III to read as follows:

9       "SECTION 40.1. Provided that of the temporary youth  
10 correctional officer positions authorized to be funded by the  
11 general fund appropriation for youth residential programs (HMS  
12 503), nineteen positions shall be made permanent."

13       SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$1 or so much thereof  
15 as may be necessary for fiscal year 2005-2006 for the department  
16 of human services to carry out the purposes of this Act,  
17 including the addition of nine permanent and seven temporary  
18 positions (HMS503 - youth residential programs) and other  
19 expenses.

20       The sum appropriated shall be expended by the department of  
21 human services for the purposes of this Act.



1 SECTION 5. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$1 or so much thereof  
3 as may be necessary for fiscal year 2005-2006 for the department  
4 of health to carry out the purposes of this Act, including the  
5 addition of seven temporary positions (HTH460 - child and  
6 adolescent mental health) and other expenses.

7 The sum appropriated shall be expended by the department of  
8 health for the purposes of this Act.

9 SECTION 6. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$1 or so much thereof  
11 as may be necessary for fiscal year 2005-2006 for the department  
12 of education to carry out the purposes of this Act, including  
13 the addition of permanent and temporary positions (EDN  
14 - ) and other expenses.

15 The sum appropriated shall be expended by the department of  
16 education for the purposes of this Act.

17 SECTION 7. Any provision of this Act to the contrary  
18 notwithstanding, the appropriations authorized under this Act  
19 shall not lapse at the end of the fiscal year for which the  
20 appropriations were made. All unexpended and unencumbered  
21 balances of the appropriations made in this Act as of the close  
22 of business on June 30, 2007, shall lapse.



- 1 SECTION 8. New statutory material is underscored.
- 2 SECTION 9. This Act shall take effect upon its approval.



**Report Title:**

HYCF; Emergency Appropriation

**Description:**

Emergency appropriation to ensure that funding for the operations of the Hawaii Youth Correctional Facility (HYCF) is maintained through the end of FY 2005-2006. (HB2371 HD1)

