

PROPOSED

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2688
S.D. 2

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Chapter 352, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§352- Policies and procedures. The director shall
5 develop and implement policies and procedures that comport with
6 national best practices in juvenile justice; provided that the
7 policies and procedures shall include protocols for suicide
8 prevention, proper use of force, and working with children with
9 special needs, mental health disorders, substance abuse issues,
10 or a combination thereof.

11 §352- Quality assurance program. The director shall
12 develop and implement a quality assurance program that
13 identifies evaluation and monitoring procedures to assure:

- 14 (1) Compliance with mandatory staff training requirements
15 as provided in section 352-5;
16 (2) The effectiveness of training methods and programs;
17 and



1 (3) The provision of quality services in an efficient and
2 effective manner.

3 Evaluations shall be conducted on a monthly basis."

4 SECTION 2. Section 352-5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§352-5 Staff standards and training.** The director shall
7 establish written standards of conduct and operation to govern
8 each staff member during working hours. Standards shall include
9 a sick leave policy and protocols regarding suicide prevention,
10 proper use of force, substance abuse, mental health issues, and
11 rehabilitation of persons committed to a facility. New staff
12 members shall undergo initial training to prepare them to comply
13 with the standards. Attendance at periodic training sessions
14 shall be mandatory to increase staff members' effectiveness in
15 carrying out their duties. For purposes of this section, "staff
16 member" means any employee of the Hawaii youth correctional
17 facilities who is directly involved with the treatment and care
18 of persons committed to a facility."

19 SECTION 3. Section 352-13, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§352-13 Evaluation, counseling, training.** The director
22 shall provide the opportunity for intelligence and aptitude

1 evaluation, psychological testing and counseling, prevocational
2 and vocational training, and employment counseling to all
3 persons committed to the youth correctional facilities.

4 Counseling services shall be available for the committed
5 person's family including a reciprocal beneficiary, during the
6 term of commitment. The director shall develop and implement a
7 program to:

- 8 (1) Provide a comprehensive medical, mental,
9 developmental, and social evaluation of all committed
10 persons;
- 11 (2) Create an individualized treatment plan for each
12 committed person;
- 13 (3) Develop and implement teams as necessary to carry out
14 the individualized treatment plans; and
- 15 (4) Develop appropriate programs to meet the needs of
16 committed persons."

17 SECTION 4. Section 352D-9, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**[+]§352D-9[+]** **Office of youth services regional advisory**
20 **boards; power, duties, and authority.** (a) There shall be
21 established a regional advisory board located in each county and
22 they shall be called the Hawaii, Kauai, Maui, and Oahu regional

1 advisory boards, respectively. The office shall provide staff
2 support for each board. Each board shall elect annually from
3 among its members a chairperson who shall preside at its regular
4 meetings. Each board shall be composed of eleven voting
5 members. Each board's membership shall include four lay
6 persons, of which two shall possess knowledge of youth services,
7 all appointed by the governor as provided in section 26-34[-];
8 provided that two persons shall be selected from a list of four
9 names jointly compiled by the speaker of the house of
10 representatives and the president of the senate.

11 The Oahu regional advisory board shall include the
12 superintendent of education, the public defender, the directors
13 of human services and health, the police chief and the
14 prosecuting attorney of the city and county of Honolulu, and the
15 senior family court judge of the first circuit, or their
16 designees.

17 The other regional advisory boards shall include the
18 county's chief of police and prosecuting attorney, a deputy
19 public defender, a family court judge, and one representative
20 each from the departments of education, human services, and
21 health, who shall be selected by their respective directors, or
22 their designees.

1 All board members shall be residents of the county in which
 2 the regional advisory board to which they are appointed is
 3 located, and shall serve without compensation, but shall be
 4 reimbursed for necessary expenses incurred during the
 5 performance of their duties.

6 (b) Each regional board shall have the responsibility of
 7 investigating and reporting misfeasance and malfeasance,
 8 inquiring into areas of concern, and conducting periodic audit
 9 evaluations of youth correctional facilities within its region
 10 to ascertain their effectiveness and compliance with established
 11 responsibilities. Each regional board shall have the authority
 12 to examine all records and budgets pertaining to youth
 13 correctional facilities within its region, and shall have access
 14 to youth correctional facilities within its region for the
 15 purpose of conducting site visits and speaking with persons
 16 committed to the facilities and staff members.

17 [~~(b)~~] (c) There shall be a combined meeting of all boards
 18 at least once a year. Each regional board shall advise the
 19 office on:

20 (1) General policies relating to the youth service system,
 21 including but not limited to planning, integration,



- 1 development, and coordination to effectuate the
- 2 purposes of this chapter;
- 3 (2) Monitoring and evaluating youth services as they
- 4 relate to the coordination and integration of the
- 5 youth service system within its region; [~~and~~]
- 6 (3) Any pertinent issue related to the youth service
- 7 system within its region[~~-~~]; and
- 8 (4) The results of periodic investigations and evaluations
- 9 of youth correctional facilities within its region."

10 SECTION 5. Nothing in this Act shall be construed to
 11 require the department of human services or the office of youth
 12 services to take any action that conflicts with any provision of
 13 the memorandum of agreement between the U.S. Department of
 14 Justice and the State regarding improvements to bring the Hawaii
 15 youth correctional facility into compliance with federal law.

16 SECTION 6. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

PROPOSED

Report Title:

Corrections; Hawaii Youth Correctional Facilities

Description:

Requires implementation of policies and procedures, protocols, and a quality assurance program to ensure adequate youth correctional facility staff training. Provides for comprehensive assessments of all persons committed to youth correctional facilities. Revises duties and responsibilities of regional advisory boards. (SD2)

