

# **SB 2403**

RELATING TO JUVENILE JUSTICE INFORMATION.

Allows the dissemination of information from the juvenile justice information system to law enforcement agencies for purposes of the administration of law enforcement and law enforcement agency employment.



*The Judiciary, State of Hawaii*

**Testimony to the Senate Committee on Public Safety, Intergovernmental,  
and Military Affairs**

The Hon. Will Espero, Chair  
The Hon. Rosalyn H. Baker, Vice Chair

Tuesday, February 4, 2014  
3:45 p.m.  
State Capitol, Conference Room 224

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

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**Bill No. and Title:** Senate Bill No.2403, Relating to Juvenile Justice Information.

**Purpose:** Allows the dissemination of confidential juvenile justice information to law enforcement agencies for law enforcement purposes and employment.

**Judiciary's Position:**

The Judiciary respectfully submits this testimony in opposition to Senate Bill No. 2403.

1. This bill does not have the endorsement of the Juvenile Justice Information Committee (JJIC) because it was never proffered to that Committee for such endorsement. From the inception of the Juvenile Justice Information System (JJIS), all of the creators (including then Chief of Honolulu Police Department Keala and then Senior Family Court Judge Vitousek, leaders of the JJIC for many years) understood that this system of sharing information could only have been created based on professional trust and a mutual respect of competing professional positions . This bill is inconsistent with those tenets.

2. The phrase in the preamble of this bill, "clarify that law enforcement agencies may be allowed to access the juvenile justice information system in the performance of their duties" also appears to be inconsistent with this premise and misunderstands the current statute, the purposes of the JJIS/JJIC, and the long and short term history of the Committee's work. The current



Senate Bill No. 2403, Relating to Juvenile Justice Information  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Tuesday, February 4, 2014 at 3:45 p.m.  
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statute is clear about the uses and sharing of juvenile information. The purposes of the JJIS/JJIC include law enforcement but are not *exclusive* to it. Rehabilitation of youth is also an important purpose. Chief Keala and Judge Vitousek understood this and, although aware that they represented different important community roles, they believed that their work could only be done well if done collaboratively and honestly. The long term history of the JJIC reflects the extreme importance of goodwill and trust. The short term history of the JJIC includes a *draft* of an opinion letter prepared by the Attorney General's office that clearly speaks against this sort of bill (e.g., use of the information for adult charging). Although then Attorney General Mark Bennett was not able to sign the opinion letter before he left office, it was never repudiated. In fact, the JJIC was under the impression that the signing was forthcoming and imminent at that time.

3. The current statute and practices came about by hard work and collaboration among all the JJIC members, past and present, based on respect, trust, and good faith. This goodwill has been sorely tested throughout the years but, like a family who knows they need each other, the members keep collaborating as much as their professional roles allow. The Judiciary is concerned that this bill could damage this system.

Thank you for the opportunity to testify on this bill.

William P. Kenoi  
*Mayor*



Harry S. Kubojiri  
*Police Chief*

Paul K. Ferreira  
*Deputy Police Chief*

## County of Hawai'i

### POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-8865

February 4, 2014

Senator Will Espero  
Chairperson and Committee Members  
Committee on Public Safety, Intergovernmental and Military Affairs  
415 South Beretania Street, Room 224  
Honolulu, Hawai'i 96813

**RE: SENATE BILL 2403, RELATING TO JUVENILE JUSTICE INFORMATION**

Dear Senator Espero:

The Hawai'i Police Department supports Senate Bill 2403 with its purpose being to allow the dissemination of information from the Juvenile Justice Information System (JJIS) to law enforcement agencies for purposes of the administration of law enforcement and law enforcement agency employment.

We believe this legislation is important in giving law enforcement agencies the ability to access needed information regarding a person's juvenile record in order to make certain lawful determinations with respect to criminal charging decisions and/or administrative decisions such as their ability to qualify for a firearms permit or in the Police Hiring process.

Although the Hawai'i Police department can access its own records, it is unable to utilize a person's statewide juvenile record. This current process can indeed frustrate a law enforcement agency in the pursuit of its lawful duties and responsibilities to the community.

For these reasons, we urge this committee to approve this legislation.

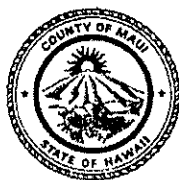
Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 2403.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Ferreira", is written over the word "Sincerely,".

PAUL K. FERREIRA  
ACTING POLICE CHIEF

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Prosecuting Attorney  
ROBERT D. RIVERA  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
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CONTACT: RICHARD K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 2403 - RELATING TO JUVENILE JUSTICE INFORMATION  
February 4, 2014

The Honorable Will Espero  
Chair  
The Honorable Rosalyn H. Baker  
Vice Chair  
and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs  
  
Chair Espero, Vice Chair Baker and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 2403, Relating to Juvenile Justice Information. SB 2403 will allow the dissemination of information from the Juvenile Justice Information System (JJIS) to law enforcement agencies for purposes of administration of law enforcement and law enforcement agency employment.

The law currently requires prosecutors to check a person's criminal history, including juvenile records, to make proper charging decisions and sentencing motions. Also, police departments are required to check a person's juvenile records when the person applies for a firearms permit. Furthermore, both police and prosecutors conduct pre-employment background checks for their new job applicants as the normal course of business. These background checks are what the law or personnel policies require.

However, it was deemed that these agencies are precluded from using JJIS to conduct such research into a person's background. While these law enforcement agencies can conduct a search of their own records, they are unable to check a person's juvenile record for the rest of the state. For example, the police on Maui would not know that a person has a juvenile record on Kauai that would disqualify him or her from owning a firearm. Put simply, while JJIS was created to store information, and the law requires that the information be checked under certain circumstances, the information stored is deemed off limits, creating a serious Catch-22.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 2403.

Thank you very much for the opportunity to provide testimony on this bill.

**Justin F. Kollar**  
Prosecuting Attorney

**Kevin K. Takata**  
First Deputy



**Rebecca A. Vogt**  
Second Deputy

**Diana Gausepohl-White, LCSW**  
Victim/Witness Program Director

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**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

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Victim/Witness Program 808-241-1898 or 800-668-5734

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**TESTIMONY IN SUPPORT OF  
S.B. NO. 2403  
RELATING TO JUVENILE JUSTICE INFORMATION**

Justin F. Kollar, Prosecuting Attorney  
County of Kaua'i

Senate Committee on Public Safety, Intergovernmental and Military  
Affairs

February 4, 2013

The Honorable Will Espero  
Chair

The Honorable Rosalyn H. Baker  
Vice Chair

and Members of the Senate Committee on Public Safety,  
Intergovernmental and Military Affairs

Chair Espero, Vice Chair Baker and Members of the Committee:

The Office of the Prosecuting Attorney, County of Kauai, SUPPORTS SB 2403, Relating to Juvenile Justice Information. SB 2403 will allow the dissemination of information from the Juvenile Justice Information System (JJIS) to law enforcement agencies for purposes of administration of law enforcement and law enforcement agency employment.

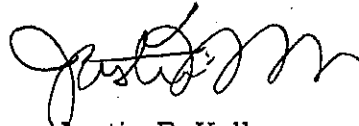
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However, it was deemed that these agencies are precluded from using JJIS to conduct such research into a person's background. While these law enforcement agencies can conduct a search of their own records, they are unable to check a person's juvenile record for the rest of the state. For example, the police on Kauai would not know that a person has a juvenile record on Maui that would disqualify him or her from owning a firearm. Put simply, while JJIS was created to store information, and the law requires that the information be checked under certain circumstances, the information stored is deemed off limits, creating a serious Catch-22.

Accordingly, the Office of the Prosecuting Attorney, County of Kauai, SUPPORTS the passage of this bill. We ask that the committee PASS SB 2403.

Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin F. Kollar". The signature is written in a cursive, flowing style.

Justin F. Kollar  
Prosecuting Attorney  
County of Kauai





ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

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GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

February 3, 2014

The Honorable Senator Will Espero, Chair  
And Members of the Committee on Public Safety,  
Intergovernmental and Military Affairs  
The Senate  
State Capitol  
Honolulu, HI 96813

RE: Senate Bill No. 2403 – Relating to Juvenile Justice Information

Dear Chair Espero and Members of the Committee:


The Maui Police Department is in support of SB No. 2403. This bill allows the dissemination of information from the juvenile justice information system to law enforcement agencies for purposes of the administration of law enforcement and law enforcement agency employment.

To have accurate and relevant information will help law enforcement agencies to make proper decisions in future law enforcement agency employment. These decisions are important as these future law enforcement personnel will given the public's trust to serve and protect our community.

The Maui Police Department asks for your support for S.B. No. 2403.

Thank you for the opportunity to testify.

Sincerely,

  
GARY A. YABUTA  
Chief of Police