



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii  
The Senate  
Committee on Judiciary  
Committee on Labor, Culture and the Arts

Testimony by  
Hawaii Government Employees Association

February 10, 2022

S.B. 2836 — RELATING TO JUVENILE JUSTICE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the intent of S.B. 2836 which requires the Judiciary to create a separate employment classification and establishes minimum procedures for juvenile probation officers.

We respectfully raise concerns that social workers who are described and assigned to duties as probation officers are not provided the proper equipment, appointment, training, and classification to carry out their assigned duties. Although employees may be classified as social workers, their working titles and duties assigned reflect that of a probation officer. Employees must be given the necessary tools and training to adequately perform their duties assigned. Therefore, we respectfully request the Committee's consideration in supporting S.B. 2836.

Thank you for the opportunity to testify in support of S.B. 2836.

Respectfully submitted,

Randy Perreira  
Executive Director

**SB-2836**

Submitted on: 2/4/2022 3:43:32 PM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Whitney Kawata	Individual	Support	Yes

Comments:

Aloha Honorable Senators,

My name is Whitney Kawata, I am writing to submit testimony in favor of SB2836. I am submitting this testimony from both my personal/citizen point of view, as well as my professional point of view (Judiciary Social Worker conducting Probation Officer Duties without Probation Officer Appointment: 2010 – present). This bill is urgently needed to address the current confusion around Juvenile Probation Officers (PO) in the First Circuit Court. We have been operating and carrying out the duties of a probation officer, but without the proper title or safety protections. The Judiciary now wants to refer to us purely as "Social Workers", but that is not the type of work that we do.

Please consider passing this Bill for the following three reasons:

1) First and foremost, we must protect our future, our future is our youth, thus we must protect the youth civil liberties and freedoms of this generation to help ensure those same civil liberties and freedoms continue in our future generations. Juvenile probation officers work closely with youth involved in the criminal justice system and our honest relationship with them is key to performing our job successfully.

A "Social Worker" conducting Probation Officer duties without a Probation Officer Appointment by a Judge is not in compliance with HRS 571. HRS 571-6 states that a PROBATION OFFICER shall be APPOINTED by a JUDGE. Under HRS 571, only a Probation Officer may conduct certain duties, for example, taking a child into custody and earned discharge credit. Thus, a Social Worker conducting these duties, is a possible violation of the youth's civil liberties and freedoms.

2) Second, calling a juvenile probation officer a "social worker" could create liability for the State. As mentioned above, due to the non-compliance with HRS 571 in regards to appointing Probation Officers, compiled with the fact that Social Workers have no law enforcement powers, a "social worker" is potentially violating a child's Civil Rights by conducting Probation Officer duties (custody, electronic monitoring, home investigations, etc.), thus leading to potential lawsuits and damage awards against the State. As a taxpayer, I would rather have that money invested in basketball courts, youth shelters, schools, etc.

3) Third, as a state employee carrying out the duties of my job, but without the proper title and identification, could create personal liability for me as an individual. Each time I sign a document as a PO or conduct the duties of a PO, knowing that the Judiciary does not recognize me as a PO who is appointed in compliance with HRS 571, I feel like I am not being fair and honest to my clients, and I am taking a chance of being subjected to possible Civil (sued by client for violating his rights) or Criminal (impersonating an LEO and Civil Rights Violations) legal action.

Once again Honorable Senators, I humbly ask that you please consider passing SB2836, for it will help protect the Youth, the State, and the employee from possible legal ramifications. I thank you for your time and consideration. Take care and stay healthy.

Mahalo,  
Whitney Kawata

**SB-2836**

Submitted on: 2/7/2022 8:59:57 AM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lee B. Shellko	Individual	Support	Yes

Comments:

Honorable Representatives and Senators, my name is Lee B. Shellko and I am submitting testimony in strong support of HB 1733 and SB 2836.

The duties performed by Juvenile Probation Officers (JPO) are essential and vital to the state’s juvenile justice system. They are currently classified as social workers within the judiciary’s hiring system. JPOs have no access to annual safety training and do not possess sufficient identification, such as shields, to ensure their safety in the field.

JPOs continue to reach out in a continued effort to make their cause known and to request assistance. The bottom line is, JPOs seek Legislative assistance to review and contemplate safety concerns.

Examples of incidents in the field:

- A minor client, 6’7” tall and over 250 pounds was under the influence of drugs at Waianae High School. Upon request, HPD Officers arrived and asked why JPO’s cannot detain the client.
- A 19-year-old adult on the campus of Waianae High School made verbal threats toward a minor client and the JPO. The JPO had no formal identification at the time of the verbal threat.
- While reporting a Criminal Property Damage, 4th Degree, destruction of government property, an HPD Officer commented that the JPOs credentials were incorrect and outdated.
- While waiting for a father to respond to a home assessment, two JPOs were told by the father, “You are lucky you’re wearing your shields because I would not have stopped. I don’t know who you are.”
- While meeting with the Primary Instructor from Community Corrections Institute (CCI) and an HPD, Police Academy Instructor, two JPOs were informed, HPD Recruits are taught to look for: Shields, Credentials, Outward Identifiers and the JPO verbalizing, “Probation Office!”

JPOs need to be recognized for their performance and the inherent dangers of their duties. This includes:

- Oath of Office

- Certificates of Appointment
- Individually issued Shields to every JPO
- Annual Safety Training

Legislative oversight is required because of the nature of this case.

I ask you to support HB 1733 and SB2836.

Sincerely,

Lee B. Shellko

91-1033 Kaipuhinehu Street

Ewa Beach, HI 96706

February 7, 2022

Honorable Representatives/Senators,

RE: Support of HB 1773 and SB 2836

My name is Renee Kuhau. I am writing in support of HB 1773 and SB 2836.

Juvenile Probation Officers deal with multiple complex issues affecting youth involved in the criminal justice system, and their families. Their safety is crucial while conducting their duties and responsibilities and protecting the community.

Since 1992, I have had the honor and privilege to be an employee of the Judiciary, State of Hawaii. The first twenty years of my professional career, I have been a juvenile probation officer with the Juvenile Client Service Branch, Juvenile Intake and Probation Section, and Girls Court for two years in 2007 – 2009. The remaining ten years to present date, I have had served as a juvenile probation supervisor.

It has been my pleasure to have dedicated my life in enhancing the well-being of high-risk youth, their families while protecting the community.

Over the past several years, Juvenile Probation Officers have faced several challenges. First, the Family Court has stopped using the title “Probation Officer” and instead refers to our position as “Social Worker.” This is direct conflict with court orders for us to carry out statutory duties as probation officers under HRS Chapter 571. The administration has also refused to conduct a swearing-in ceremony as required under the Hawaii State Constitution and provide necessary credentials and training to perform our job safely. Despite efforts over the years to internally address these important issues, these requests have been ignored, dismissed, delayed, and/or denied. We are now seeking statutory clarification on the roles and responsibilities of juvenile probation officers under HRS Chapter 571.

Please consider passing this bill in support of protecting juvenile probation officers and the State of Hawaii. The bill will address:

- 1) Compliance with the law and State Constitution to protect the State of Hawaii and give juvenile probation officer the official authority to conduct their duties and responsibilities.
  - Juvenile Probation Officers as defined in HRS 571-85 states that probation officers shall be appointed by the judges of the family courts.
  - Article 16, Section 4 of the Constitution of the State of Hawaii states that “eligible public officers,” to include state of county employees who possess police powers, before entering upon the duties of their respective offices shall take and subscribe to an oath of office or affirmation.

- 2) Provide trainings, tools, and equipment necessary for Juvenile Probation Officers to conduct their duties and responsibilities safely, effectively, and efficiently. Often, Juvenile Probation Officers are in high-risk situations that require immediate assistance, identification, and action.
  - Correct and valid credentials of appointment and shields with the title “probation officer” appropriately linked to an individual shield assigned.
  - Annual officer safety training and other pertinent training necessary to prepare juvenile probation officer to conduct their duties.
- 3) Separate classification for Juvenile Probation Officers to eliminate the confusion regarding their role and official authority to conduct their duties.

Juvenile Probation Officers are currently classified as social workers; however, the position description states they are hired as probation officers. Juvenile Probation Officers have statutory obligations and powers as defined by law in HRS 571 separate from the duties of social workers.

For our current and future generations of juvenile probation officers to continue to support our youth and safely protect our beautiful home, please consider passing HB 1773 and SB 2836.

Respectfully,

Renee Kuhau



*The Judiciary, State of Hawaii*

**Testimony to the Thirty-First State Legislature  
2022 Regular Session**

**Testimony to the Senate Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

**Testimony to the Senate Committee on Labor, Culture and the Arts**  
Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair

Thursday, February 10, 2022, 10:30 a.m.  
Via Videoconference

by

**WRITTEN TESTIMONY ONLY**

Dwight Sakai  
Deputy Chief Court Administrator, Client Services Division  
First Circuit

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**Bill No. and Title:** Senate Bill No. 2836, Relating to Juvenile Justice.

**Purpose:** Requires the Judiciary to create a separate employment classification for juvenile probation officers. Establishes minimum procedures for the appointment of juvenile probation officers. Requires reports to the Legislature on the status of the implementation of this Act.

**Judiciary's Position:**

The Judiciary has concerns with the potential statewide impact of Senate Bill No. 2836 when we are aware that the proposed amendments are generally being driven by a specific unit of Juvenile Social Workers in the First Circuit.





Senate Bill No. 2836, Relating to Juvenile Justice  
Senate Committee on Judiciary  
Senate Committee on Labor, Culture and the Arts  
February 10, 2022  
Page 2

The Judiciary is actively engaged in resolving the issues raised by this bill with the employees' collective bargaining representative and we respectfully request that the measure be deferred. Thank you for the opportunity to testify on Senate Bill No. 2836.



# Adult Friends for Youth

**LATE**

*"Redirecting lives to stop Violence"*

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Testimony on SB2836 Relating to Juvenile Justice

Submitted to:

Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Committee on Labor, Culture and The Arts  
Senator Brian T. Taniguchi, Chair  
Senator Les Ihara Jr., Vice Chair

Submitted by:

Deborah L.K. Spencer-Chun, M.S.W.  
President and CEO of Adult Friends for Youth  
Lisa Tamashiro, Director of Operations and Special Programs

Chairs Rhoads and Taniguchi, Vice Chairs Keohokalole and Ihara and Members of the Committees:

We support SB2836 relating to Juvenile Justice. We are currently members of a group who has proudly named ourselves the Aunty's Hui. It is a partnership between Adult Friends for Youth, Lili'uokalani Trust- Waianae Kipuka, Hale Kipa, Judiciary Services-Juvenile Client Services, Juvenile Intake and Probation section, and DOH-Children and Adolescent Mental Health Division. The purpose of our group is "to create a network of interdisciplinary, outcome-driven practitioners with a shared concern and/or some form of commonality (in our case, our juvenile population) that hui's together to exchange mana'o (experiences, best practices and vulnerabilities) aimed at accelerating effective practices and execution of shared mission and/or solving a collective concern."

Through our hui we have learned in depth the services each partner brings to the table as well as the process and barriers we all face in carrying out our mission. In my education of the probation section of Family Court, I was surprised to learn that Hawaii's probation officers lacked safety training mainly due to the classification of their roles within the judiciary hiring system.

Adult Friends for Youth (AFY) has had the opportunity to serve some of the highest risk youth in our communities many of which are also the brightest young people we have ever met. However, majority come from circumstances which include but not limited to: exposure to violence, drugs, incarcerated parents as well as siblings, living in distressed neighborhoods, less opportunities and in many cases lack of proper guidance and love. So, we know firsthand how extremely vulnerable as well as violent this population can be.

Although Adult Friends for Youth strives to redirect and divert youth from the judicial system, we are also fully aware that some behaviors has consequences that need to be addressed by the judiciary. In that capacity, probation officers deserve to have the capabilities to perform their duties for the safety of everyone in our communities especially our youth.

For these reasons, we support SB2836 and thank you for your time to allow us to testify in support.

**SB-2836**

Submitted on: 2/7/2022 10:59:40 AM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Yuko S. Shellko	Individual	Support	No

Comments:

I strongly support SB2836. Keep my husband safe.

Yuko S. Shellko

**SB-2836**

Submitted on: 2/7/2022 1:41:43 PM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Chayna Warner	Individual	Support	No

Comments:

Aloha, Honorable Representatives,

My name is Chayna Warner, and I am submitting testimony in strong support of SB2836. The work of juvenile probation officers is very critical in that it keeps our minors and community safe. This bill will give juvenile probation officers the protection, training, and resources that are so needed to carry out thier duties effectively. A juvenile probation officer is NOT equivalent to a "social worker" and this bill will clarify this distinction. This bill is so very improtant in order to protect the State of Hawaii, its residents, and its employess. Mahalo for your time and consideration.

Sincerely,

Chayna Warner

**SB-2836**

Submitted on: 2/7/2022 5:47:22 PM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michelle Shellko	Individual	Support	No

Comments:

In strong support of SB2836. I want my dad who is a propation officer to be safe at all times, even when he is on duty, so the last thing I have to think about is a possible furneral. I don't have worry about waking up the next day only to have one parent that's still alive.

**SB-2836**

Submitted on: 2/8/2022 8:50:52 AM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Marcelina Feliciano-Mann	Individual	Support	No

Comments:

Honorable Representees and Senators, my name is Marcelina Feliciano-Mann, and I am submitting a testimony in strong support of SB 2836.

I have been working under the classification of “social worker” with a working title of “probation officer” for 10 years. Due to the nature of probation work, we perform certain duties which are vastly different from others in the social work classification. Due to this differentiation in duties, it is necessary that we have our own specific “probation officer” classification and are both appointed and oathed into office. In addition, as we work primarily in the community, and perform duties which require us to enter the homes of others, we may be placed in a position of danger. Given this, the assignment of individual identification shields (which identifies us as probation officers) and yearly safety training should be provided.

Probation officers work to provide safety and protection for all of us. As there continues to be a rise in crime, particularly in violent crime throughout our country, we need the service of those in probation and law enforcement to maximize the safety of our community. It is also incumbent that those who provide safety and protection for the community be provided with the appropriate tools to maximize their own safety in the line of duty.

It has been a privilege to service our community. I ask for your support in the passing of SB 2836 so that I, and my fellow probation officers can continue to service our community in a safe and effective manner.

Sincerely,

Marcelina Feliciano-Mann

**SB-2836**

Submitted on: 2/9/2022 9:15:53 AM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Nancy McCue	Individual	Support	No

Comments:

Aloha, Honorable Representatives.

My name is Nancy McCue and I am submitting testimony in strong support of SB2836. In my experience, the work of a juvenile probation officer is critical to keeping our community and keiki safe and accountable. This bill's intent is to provide training resources and protection needed to carry out their duties and responsibilities. Clarification needs to be established as a juvenile probation officer is not the same as a social worker. I feel that this bill will provide the distinction and clarity on the difference between probation officer and social worker. I am emphasizing the importance of this bill in order to keep our communities safe and protect the State of Hawaii, residents, and employees. Thank you for your time and consideration.

Mahalo,

Nancy McCue

**SB-2836**

Submitted on: 2/9/2022 9:21:20 AM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Catherine Collado	Individual	Support	No

Comments:

Honorable Senators, my name is Catherine Collado, and I am submitting a testimony in strong support of SB 2836.

The work of juvenile probation officers is critical in keeping our youth and community safe. This bill will give juvenile probation officers the protection, training, and resources they need to carry out their duties effectively.

A juvenile probation is not the same as a social worker this bill will clarify that distinction.

I feel that this bill is important to help protect the State of Hawaii, and its residents, and its employees. I am humbly asking to please consider passing SB 2836. Thank you for your time and consideration.

Sincerely,

Catherine Collado



**SB-2836**

Submitted on: 2/9/2022 10:12:53 AM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Hodson	Individual	Support	No

Comments:

Aloha Honorable Representatives, my name is Michael Hodson and I am submitting testimony in strong support of HB1733 (SB2836). The work of juvenile probation officers is critical to keeping our kids and our community safe. This bill will give juvenile probation officers the protection, training, and resources they need to carry out their duties effectively. A juvenile probation officer is not the same as a social worker and this bill will clarify that distinction. I feel that the bill is important in order to help protect the State of Hawaii, its residents, and its employees. Thank you for your time and consideration.

Mahalo,

Michael Hodson

**LATE**

**SB-2836**

Submitted on: 2/9/2022 1:10:13 PM

Testimony for JDC on 2/10/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ryten Chu	Individual	Support	No

Comments:

Honorable Representatives and Senators, my name is Ryten Chu, and I am submitting a testimony in strong support of HB 1733 and SB 2836.

The work of juvenile probation officers is critical in keeping our youth and community safe. This bill will give juvenile probation officers the protection, training, and resources they need to carry out their duties effectively.

A juvenile probation is not the same as a social worker this bill will clarify that distinction.

I feel that this bill is important to help protect the State of Hawaii, and its residents, and its employees. I am humbly asking to please consider passing HB 1733 and Sb 2836. Thank you for your time and consideration.

Sincerely,

Ryten Chu