

## EXECUTIVE SUMMARY

## HAWAII CRIMINAL JUSTICE STANDARDS AND GOALS

State Law Enforcement & Juvenile Delinquency Planning Agency  
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## PREFACE

As a requirement under the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by the Crime Control Act of 1973) each State must establish "goals, priorities, and standards" to serve as a basis and guide for criminal justice planning. The State Law Enforcement and Juvenile Delinquency Planning Agency (SLEPA) of Hawaii applied for and received funds from the Law Enforcement Assistance Administration (LEAA) to analyze the problems and issues in the criminal justice system, and to develop standards and goals that address them. Five areas were identified: police, courts, adult corrections, juvenile justice and criminal justice information systems. A task force for each area was developed and staff were assigned.

The basic interrelated goals of the entire project effort are (1) the prevention and reduction in the occurrences of high-fear crime and (2) the improvement in quality of the criminal justice system in terms of effectiveness and fairness.

This summary reflects the major proposals of the standards and goals, and is designed to give one a brief overview of the project. The numbers in parenthesis refer to specific standards in the draft of the Hawaii Criminal Justice Standards and Goals.

## CHAPTER I

### POLICE

Consistent with its mandate from the State Law Enforcement Planning Agency to develop a set of standards and goals for the police departments of Hawaii, the Police Task Force has proposed twenty-four goals, 107 standards and eight recommendations designed to improve service, streamline operations and more effectively combat crime.

While these goals and standards cover the spectrum of police activity in the Criminal Justice System, for the purposes of this summary we have identified fourteen items in three basic areas:

(a) Personnel Selection and Utilization, (b) Training and (c) Operations, that are representative of the whole, somewhat controversial and will go furthest toward making improvement of law enforcement a reality.

The topic areas and items described below are not listed in any order of priority.

#### PERSONNEL SELECTION AND UTILIZATION

Each police department should establish policies and procedures governing the recruitment, employment, assignment, promotion and training of police officers without discrimination because of race, sex, color or ancestry. Those departments seeking to employ qualified ethnic minority group members and qualified women should research, develop and implement methods to recruit such people. Each chief should also establish policies to provide that assignment, in-service training, and promotion procedures and practices neither favor nor discriminate against minority group members or women (13.7).

As our society becomes increasingly more complex, the necessity of education in all aspects of social service increases. To provide for the selection of personnel with higher academic qualifications needed to perform police duties, each of the four Police Departments should require, as a condition of initial employment, a baccalaureate degree from an accredited college or university (Chapter 15). This should be accomplished in all departments, if feasible, by 1980 (15.1-2). In the interim each department should, as a condition of initial employment, require the completion of at least two (2) years of education (60 semester credits) at an accredited college or university (15.2-1).

It is recommended that the police chiefs of the four counties collaborate to develop and enforce mandatory standards for the selection of police officers (13.4).

All county governments, collectively, should establish a broad police classification plan based upon the principles of merit. The plan should include few position classifications, but multiple pay grade levels within each classification to enable the police chief to exercise flexibility in the assignment of personnel (14.2). Each department with more than three (3) levels of classification below the police chief should consider the adoption of three broad occupational classifications for sworn personnel, to permit mobility within each classification and salary advancement without promotion. The three fundamental classifications should include:

- a. Patrolman-Investigator, for the officers and specialists at basic rank level.
- b. Supervisor-Manager, for supervisory and mid-management personnel.

c. Command-Staff, for police executives and administrators. Each position classification should include several pay grade levels, each of which requires a certain degree of experience, skill and ability, or which entails the performance of a specialized function. The plan should provide compensation commensurate with the duties and responsibilities of the job performed (14.2).

In order to best utilize sworn officers, each police department should assign civilian personnel to positions that do not require the exercise of police authority or the application of special knowledge, skills and aptitudes of the professional police officer (Chapter 10).

#### TRAINING

The State should enact legislation establishing mandatory minimum basic training for police, a representative body to develop and administer training standards and programs for police, and financial support for mandatory training for police on a continuing basis to provide the public with a uniform quality of protection and service from police employees throughout the state. The State should certify all sworn police employees (16.1). A state commission, the majority of whose members should be representatives of county law enforcement agencies, should be formed to develop and administer state standards for the training of police personnel. Other members should be from other branches of the criminal justice system. The State should provide sufficient funds to enable this commission to meet periodically and to employ a full-time staff, large enough to carry out the basic duties of the commission. This commission should:

- a. Develop minimum curriculum requirements for mandatory police training.

- b. Certify police training center's meeting the requirements of the State Police Training Standards.
- c. Establish minimum police instructor qualifications and certify instructors.
- d. Inspect and evaluate all police training programs.
- e. Provide consulting service for police training and education centers.
- f. Administer the financial support for police training and education.

The State should reimburse every police department 100 percent of the salary and/or per diem, or provide appropriate state financial incentives for every police employee's satisfactory completion of a state mandated and approved police training program (16.1-3).

The State should make available state-approved police training to every sworn police employee and encourage local or cooperative police training programs to satisfy state training requirements; when their programs cannot satisfy these requirements, police training academies should be established by the State (16.7).

#### OPERATIONS

In order for law enforcement to work effectively in the community, public trust in the police is essential. This trust should be fostered through an understanding and awareness of the functions performed by the police, their duties, their aims and their position in the governmental structure and the community as a whole. There must be communication between the police and other elements of the government and the public so that thorough understanding and cooperation can be established (Chapter 1).

Recognition of the patrol officer as the primary element in the delivery of police services and the prevention of criminal activity should be stressed. Departments should strive to foster a strong spirit of morale in the patrol forces by providing special training, in-service aids, longevity and merit incentives and other departmental encouragement.

Each police chief should adopt policies that attract and retain highly qualified men in the patrol force and continually seek to enhance the role of the patrol officer by providing status and recognition from the department and encouraging similar status and recognition from the community (8.2).

Each police department should examine the team policing concept and, if research and testing indicate that such a system would enable the department to use its resources more effectively, adopt the concept. Departments that implement team policing should require that the system effectively facilitates the department's efforts to reduce crime, detect and apprehend criminal offenders, improve the quality of police service and enhance police-community cooperation (Chapter 6).

The police departments of each county should make effective use of state statutes permitting the police to issue written summonses and citations, where feasible, in lieu of physical arrest or pre-arraignment confinement (4.4). Where permitted by law, each police department should develop written policy on the diversion from the criminal justice system to another appropriate agency, government or private, any individual who comes to the attention of the police, and for whom the purpose of the criminal

process would be inappropriate or in whose case other resources would be more effective (4.3).

To further enhance law enforcement and public protection, it is recommended that the State of Hawaii enact legislation that provides for the issuance of search warrants pursuant to telephoned petitions and affidavits from police officers (Recommendation 4.2).

It is further recommended that the State enact legislation:

- a. Prohibiting private electronic surveillance.
- b. Authorizing court supervised electronic surveillance by law enforcement officers, consistent with the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended (Recommendation 4.3).

Finally, each police chief should prepare his department to react effectively to neutralize any concerted work stoppage or job action by police employees. Any concerted police employee action should be prohibited by law (18.4).



## CHAPTER II

### COURTS

#### COURT PROCESSES AND PROCEDURES

In Chapter 1, the Task Force addressed the problem of screening, and concluded that the need to screen a case out of the criminal justice system "may arise in a particular case because there is insufficient evidence to justify further proceedings or because -- despite the availability of adequate evidence -- further proceedings, would not adequately further the interests of the criminal justice system." The Task Force articulated a number of criteria for the screening decision (1.1), and called for the establishment of written guidelines by the prosecutors' offices to "identify as specifically as possible those factors that will be considered in identifying cases in which the accused will not be taken into custody or in which formal proceedings will not be pursued" (1.2). The goals are to increase the visibility of and to regularize the screening decision.

Chapter 2 of the Task Force Report treats diversion, which is the suspension and eventual termination of criminal proceedings on the condition that the accused participate in some nonpunitive program or activity. As in the area of screening, the Task Force proposes criteria for the decision to divert (2.1), and in Standard 2.2 sets forth recommended procedures for diversion programs. As in the area of screening, the standards suggest that "guidelines for making diversion decisions should be established and made public." Diversion decisions should require court approval in two

situations: where an indictment has been returned, and "where the diversion program involves significant deprivation of an offender's liberty."

In Chapter 3 the Task Force addresses the controversial topic of "plea bargaining." In Standard 3.1, "the practice of plea negotiation is approved, subject to the guidelines and procedures set forth in this chapter." Standards 3.2 through 3.8 regulate the practice of plea bargaining, and provide that the court should require that a full record of each plea bargain be made, and that the prosecutor should adopt and enforce uniform plea negotiation policies and practices.

Chapter 4 of the Task Force Report is entitled "The Litigated Case," and it provides standards for the trials of criminal cases. In Standard 4.1 we urge that "the period from arrest to trial in a felony prosecution generally should not be longer than six months," and we suggest 30 days as the period in misdemeanor prosecutions. Standard 4.2 recommends the use of citations and summons in lieu of arrest, and the development of criteria and procedures for the use of citations and summons. Standard 4.4 recommends retention of the constitutional requirement of grand jury indictment "in all felony prosecutions," plus standards for the conduct of grand juries.

Standard 4.5 recommends that arrested defendants "should be presented before a judge within twelve (12) hours of the arrest or as soon thereafter as a judge first becomes available," and Standard 4.6 provides for the pretrial release of defendants with an expressed preference for non-financial release conditions.

Standard 4.7 recommends criminal penalties for defendants who fail to appear at their required court appearances. Standard 4.8 governs preliminary hearings and arraignments, and Standard 4.9 regulates discovery proceedings in criminal cases. The discovery recommendation seeks to eliminate "trial by surprise" by requiring that both sides reveal all relevant evidence. The balance of chapter 4 treats pretrial motions and conferences (4.10), priority case scheduling (4.11), continuances (4.12), jury selection (4.13), jury size and composition (4.14) and trial of criminal cases (4.15).

Chapter 5 is concerned with sentencing of convicted defendants, and Standard 5.1 recommends that "the trial judge shall impose a sentence which, in accordance with applicable statutes, fixes the maximum period that a defendant's liberty may be restricted and the minimum term of imprisonment which must be served before parole eligibility commences." The standard further provides that, within the maximum and minimum terms set by the court, "other agencies may be given the power to determine the manner and extent of interference with the defendant's liberty."

#### COURT ORGANIZATION, ADMINISTRATION, PERSONNEL

Chapter 6 of the Task Force Report, entitled "Review of the Trial Court Proceedings," treats the appellate function. The purpose of the recommendations in this chapter is to streamline and expedite the appellate scrutiny of criminal convictions. The standards recommend that the appellate court be adequately staffed and administered to provide fair and complete review of criminal convictions. Chapter 7, entitled "The Judiciary," contains recommendations about judicial selection (7.1), judicial

tenure (7.2), judicial compensation (7.3), judicial discipline and removal (7.4), and judicial education (7.5). Chapter 8 deals with the trial courts, and recommends the unification of the state court system (a goal already realized in Hawaii) and the discrimination of many less serious traffic offenses. Chapter 9 and 10 cover court administration and court-community relations, respectively. Standard 10.1 addresses courthouse physical facilities, and makes suggestions for the planning and construction of the new Honolulu court complex. Standard 10.2 provides for improved and expanded court information and service facilities. Standard 10.6 deals with production of witnesses, and provides a number of "steps that should be taken to minimize the burden of testifying imposed upon witnesses." Standard 10.7 proposes an adequate witness compensation rate "which ensures that most witnesses will not be financially disadvantaged because of their court appearances."

Chapter 12 and 13 are devoted exclusively to the prosecution and the defense, respectively. These chapters provide standards for the prosecutors' and public defender's offices. The standards deal with professional standards, support staff and facilities, education and training, office policy and procedures, and relationships with other agencies. Chapters 12 and 13 strive to increase the professionalism and effectiveness of the prosecutors' and defender's offices.

O CHAPTER III  
ADULT CORRECTIONS

EQUITY AND JUSTICE IN CORRECTIONS

In an effort to achieve equity and justice, the Task Force proposed standards relating to offenders' rights and sentencing practices.

Rights of Offenders

Each correctional agency should immediately develop and implement policies and procedures to fulfill the right of persons under correctional supervision to have access to courts to present any issue cognizable therein (2.1); to have access to legal assistance (2.2); and to have reasonable access to legal materials (2.3). These standards dealing with offender access to the law are deemed fundamental.

Conditions of institutional life are addressed as follows. Each correctional agency should establish immediately policies and procedures to fulfill the right of offenders to be free from personal abuse by correctional staff or other offenders (2.4); to a healthful place in which to live (2.5); to medical and dental care (2.6); to protection from unlawful searches and seizures (2.7); to nondiscriminatory treatment (2.8); to appropriate correctional programs (2.9); and to retention and restoration of rights granted under law (2.10, 16.17).

In-house institutional rules are addressed. Each correctional agency should immediately promulgate rules of conduct for offenders under its jurisdiction (2.11); to adopt disciplinary procedures (2.12, 16.2) and grievance procedures (2.14); and to promulgate

nondisciplinary changes of status, e.g., classification, transfers, major changes in treatment, education and work programs (2.13).

Another group of standards deal with offenders' first amendment rights of free speech and association. Regulations limiting an offender's rights of expression and association should be justified by a compelling state interest (2.15). Policies and procedures should be developed to fulfill the right of offenders to exercise their religious beliefs and practices (2.16); and to fulfill the right of offenders to communicate with the public primarily in the context of mail, personal visitation and the communications media (2.17).

Finally, each correctional agency should adopt policies and procedures, and where applicable should seek legislation, to insure proper redress, both administrative and judicial, where an offender's rights are abridged (2.18).

#### Sentencing Practices

Sentencing is of crucial importance to corrections. It determines whether a convicted offender is to be confined or to be supervised in the community and how long corrections is to have control over him or her.

The trial judge should bear full responsibility for sentence imposition (5.1). The court should be authorized to utilize a variety of sentencing alternatives (16.8) with a requirement that the least drastic sentencing alternative be imposed that is consistent with public safety (5.2). The court may sentence a person who has been convicted of a felony and found to be a persistent offender, a professional criminal, a dangerous person or a multiple offender, to an extended term of imprisonment (5.3).

To promote sentencing equality, the following procedures should be implemented by court rule or legislation--use of sentencing institutes to provide judges with the background of information needed to fulfill their sentencing responsibilities (5.11); to adopt a policy of allowing judges to meet regularly in sentencing councils to discuss and evaluate the sentencing practices of the court (5.12); and to allow appellate review of sentencing decisions (5.10).

Sentencing courts should not consider, as a mitigating factor, that the defendant pleaded guilty, or as an aggravating factor, that the defendant sought the protections of right to trial assured him by the Constitution (5.7). Standards should be developed for determining when a presentence report ought to be required and the kind and quantity of information needed to insure more equitable and correctionally appropriate disposition (5.13, 16.10).

#### NARROWING THE BASE OF THE CRIMINAL JUSTICE SYSTEM

The Task Force endorses adoption of formally organized programs of diversion\* that can be applied in the criminal justice process from the time an illegal act occurs to adjudication (3.1).

Standards are recommended to develop a comprehensive plan to collect information on the need for and availability of community resources and treatment that could be effectively utilized for persons suffering from problems relating to alcohol, narcotic addiction, or physical or mental disease or defects (4.1, 9.9).

Furthermore, the development of a policy by the police and courts to the use of citations and issuance of summons in lieu of

\*Diversion defined as total exit from the formal criminal justice system.

arrest is encouraged (4.3). And the State of Hawaii should authorize and encourage the use of a variety of alternatives to the physical detention of persons awaiting trial (4.4).

#### EMPHASIS ON COMMUNITY-BASED PROGRAMS

This section of the summary underscores the philosophy of the Adult Corrections standards and goals--the reintegration of the offender into the community without undue danger to the public (16.1).

Each correctional agency administering State institutions for adult inmates should adopt a policy of not building new major institutions unless an analysis of the total criminal justice and adult corrections systems produces a clear finding that no alternative is possible (11.1). New or modified institutions should meet specific criteria regarding their location, physical environment, and such facilities as those for counseling, visiting, education, training, recreation, and health care (11.1, 11.2, 11.3).

The State of Hawaii's correctional system and planning agencies should immediately undertake, on a cooperative basis, planning for community corrections which gives highest priority to diversion from the criminal justice system and utilization of existing community resources (9.1, 9.2, 9.6). Community-based programs can make use of resources that are provided to citizens in general: health, education, counseling and employment services. Required is a complicated interplay among judicial and correctional personnel, those from related public and private agencies, citizen volunteers and civic groups.

By 1978 Hawaii should develop a systematic plan with timetable and scheme for implementing a range of alternatives to institutionalization. The plan should specify the services to be provided



directly by the correctional authority and those to be offered through other community resources (7.1). Effective working relationships should be established with the major social institutions, organizations, and agencies of the community, such as employment, educational and social welfare resources (7.2).

Each State correctional system should inform the public on correctional issues, organize support for community-based projects, and secure citizen involvement within corrections, including advisory, policy-making, and direct service roles (7.3). Correctional agencies should begin immediately to develop arrangements and procedures for offenders sentenced to correctional institutions to assume increasing individual responsibility and community contact (7.4).

#### Probation and Parole

Probation's emphasis is that it become the normative sentence in criminal cases. Each sentencing court should revise its policies, procedures, and practices concerning probation (5.4). Legislation should provide probation as an alternative for all offenders and establish criteria for the granting of probation, conditions of probation, revocation of probation, and length of probation (16.11).

The probation system should develop a goal-oriented service delivery system with one of the primary functions of the probation officer being that of a community resource manager for probationers (10.2). This should also hold true for parole officers (12.6).

Probation should develop a comprehensive manpower development and training program to recruit, screen, utilize, train, educate, and evaluate a full range of probation personnel, including

volunteers, women, and ex-offenders (10.4). This holds true of parole manpower (12.8).

The Parole Board should be autonomous in its decision-making authority (12.1). It should develop policies for the parole release hearings (12.3) and for the revocation hearings (12.4). The members' qualifications and conditions of employment should be specified by statute and Parole Board members should participate in continuing training on a national basis (12.2).

#### UNIFIED CORRECTIONS AND TOTAL SYSTEM PLANNING

Corrections cannot accomplish needed reform in its traditional isolation. The support of legislators, local officials, law enforcement personnel, community agencies, and various other public and private groups is needed.

By 1978 Hawaii should enact legislation to unify all correctional facilities and programs to include services for any and all persons within the formal criminal justice system, probation supervision, institutional confinement, community-based programs, whether prior to or during institutional confinement, and parole and other aftercare programs (16.4). Statewide planning does not imply remote control of programs in the community but promotes systematic responses to changing problems and priorities with maximum use of local personnel and programs (9.1, 13.2).

#### MANPOWER DEVELOPMENT

People are the most important resource to the correctional system in its fight against crime.

Correctional agencies should immediately develop personnel policies to eliminate all political patronage for staff selection and to actively recruit young persons and prospective indigenous.

workers (14.1); to seek a balance in racial composition between inmate populations and correctional staffs (14.2); to recruit and hire more women (14.3); to recruit and employ capable and qualified ex-offenders (14.4); and to recruit and use volunteers from all ranks of life (14.5).

#### Professional Correctional Management

Each correctional agency should begin immediately to train a management staff to provide for managerial attitude and administrative procedures permitting each employee to have more say about what he does, including more responsibility for deciding how to proceed for setting goals and producing effective programs (13.1); and to develop an operational integrated process of long-, intermediate-, and short-range planning for administrative and operation functions (13.2).

## CHAPTER IV

### JUVENILE JUSTICE

The standards range from police intervention to the aftercare of juveniles released from incarceration. Also included are the concepts of youth service centers, alternative education programs, and recreation.

The Juvenile Justice Task Force based the goals and standards on the following concerns:

- a. maximum utilization of diversion and minimum penetration
- b. the rights of juveniles throughout the justice system
- c. maximum utilization of community resources and input
- d. need for expert and trained personnel

#### DIVERSION AND MINIMUM PENETRATION

In considering diversion, the question of whether the court should maintain its jurisdiction over status offenders arises. The standards retain court jurisdiction (Court, Subgoal B) but also stresses that court intervention will be minimized and the total number of formal hearings be reduced (Court, B.1). The court will intervene only in cases where it is shown that other resources are inadequate or have failed in dealing with the juvenile, and where no alternatives are available (Court, B.6). Strongly advocated is police diversion of most of the status offense cases to the youth service center (ysc) or a social service system (Police, A.5). Cases also to be considered for diversion are misdemeanors and those juveniles committing a second offense more than a year after the first--excluding felony type offenses (Court, A.2).

### Youth Service Center

The ysc is envisioned to provide services to expedite effective diversion of juveniles from the juvenile justice system, coordinate service delivery and mobilize community resources (YSC, Goal). It will provide crisis and short-term programs (YSC, A.2). In keeping with the concern of maximizing use of community resources and input, the ysc will be established within each county to meet local needs (YSC, Subgoal A), utilize purchase of services of and referral to community agencies, as well as a community advisory group (YSC, A.4). It shall be accessible by location, hours, staffing patterns and emergency service (YSC, A.5).

To keep ysc a diversionary program, it shall not be operated or controlled by a component of the justice system (YSC, A.6). Police and court jurisdiction over juveniles terminate when they are referred to the ysc (YSC, A.5).

YSC's are also expected to engage in on-going data collection, analysis and evaluation of its services (YSC, B.1) as well as identifying gaps and breakdowns in services (YSC, B.2).

### Family Court

The court shall set policies, procedures and criteria that will minimize the involvement of juveniles with the juvenile justice system (Court, Goal B). The court needs to develop and utilize a variety of alternatives to the filing of petitions, and to continuously seek the cooperation and support of other community agencies for referrals (Court, B.4).

## RIGHTS OF JUVENILES

### Police

Standards support the explanation of "Miranda" warnings in a

manner that a juvenile can understand it, immediate notification of parent after he is apprehended (Police, C.3), and not being detained for the convenience of police investigation or as a punitive measure by parental request (Police, 5). Fingerprinting and photographing of juveniles who are charged with crimes less than a felony-type offense, without court order is prohibited (Police, C.3). Because acceptance of a police diversionary disposition is dependant on a juvenile's admission to committing an offense, the police is responsible in explaining to the juvenile and his parent the implication of accepting diversionary action (Police, C.8).

Records are to be kept local (Police, C.9), and not released to anyone without court approval (Police, C.10). Fingerprints and photographs of juveniles may not be forwarded to any repository (Police, C.11) and will be destroyed immediately if the court determines it has no jurisdiction (Police, C.12). Records shall be expunged after four (4) years if no further violation is committed (Police, C.13).

#### Youth Service Center

Rights enumerated include voluntary acceptance of referral (YSC, C.1), services provided upon notification of parent (YSC, C.2), case records as confidential and shared with others only with consent of juvenile and parent (YSC, C.3).

#### Family Court

Right to speedy disposition within the court is ensured by setting maximum time limits between stages in the judicial process: detention hearing within 48 hours after admission including weekends and holidays (Court, A.1), intake interview within five (5) days after receipt of referral (Court, A.4), disposition of referrals

within 90 days (Court, A.5), adjudication hearing 15 days after petition is filed (Court, A.7), and disposition within 60 days of adjudication hearing (Court, A.9). If any of the time limits are violated, a case may be dismissed unless good cause is shown (Court, A.10).

At the intake interview, available alternative dispositions to adjudication and their implications shall be explained by the court officer (Court, B.14) and be entered into only with consent of juvenile and parent (Court, B.15).

In adjudication hearings, law violation cases must be proven beyond a reasonable doubt (Court, C.5) and in status offense cases, with a preponderance of evidence (Court, C.6).

In setting disposition, no juvenile may be incarcerated more than three (3) years (Court, E.2) and no disposition resulting from being adjudicated a law violator can extend more than three (3) years (Court, E.3).

Standards limit access to a juvenile's file except to the juvenile, parents, and the attorney, and by court order (Court, F.1). Release of information for adult criminal proceedings is limited to law violations (Court, F.2). Records are sealed when the juvenile reaches 18 years (Court, F.4) and expungement when the juvenile reaches 25 years (Court, F.5).

Juveniles are entitled to legal counsel at the earliest possible stage (Court, Goal H). All requests for appointed counsel shall be handled by the Public Defender (Court, H.1) who has the responsibility to appoint counsel (Court, H.2).

## Hawaii Youth Correctional Facility

Rights specified while at the HYCF include, mail not being censored or limited (HYCF, B.2), rules and procedures available and explained within 24 hours of arrival (HYCF, D.1), a grievance procedure (HYCF, D.6), and the development of policies, procedures, and criteria on facility rule violations and the range of sanctions that can be imposed (HYCF, Goal E).

### Bill of Rights

A bill of rights for children, which defines and enumerates specific enforceable rights and responsibilities shall be developed by the Office of Children and Youth (OCY, 3). Also, to be included for consideration are emancipation procedures and criteria (OCY, 4).

## MAXIMUM USE OF COMMUNITY RESOURCES

### Police

Standards call for development and adoption of written policies and procedures for diversionary dispositions in conjunction with agencies of the juvenile justice system, and the ysc (Police, Subgoal A). Option for diversion include ysc and other social agencies (Police, A.3).

### Family Court

At every disposition level the court shall maximally utilize community-based alternatives (Court, Goal C), shall actively be involved in and endorse the development of temporary shelter facilities (Court A.3), and consciously utilize other shelter alternatives rather than to develop new detention facilities (Court, A.4).

In determining disposition, the court shall collaborate or consult with any social agency known to be working with the juvenile



(Court, D.2), and consider the least restrictive disposition available (Court, Subgoal E). Also suggested for consideration are dispositions such as fines, restitution, and public work experiences (Court, C.5). HYCF is seen as a last resort alternative for those adjudicated as law violators where they may be committed for the safety of the community or when other alternatives have failed to reach him and no other resource is available (Court, E.6).

#### Community Programs

Standards do not address non-residential programs as the Task Force felt that although important, private community agencies are autonomous and difficult to address as a collective.

Standards for community residential facilities support the development of group homes which provide shelter but not specialized treatment (Com. Res. Facilities, Subgoal A), and the development of a variety of foster homes to handle juveniles (Com. Res. Facilities, Subgoal B) which include professional foster parents (Com. Res. Facilities, B.1).

#### PERSONNEL

##### Police

One criteria for the selection of officers for the juvenile unit shall be his interest and ability in his commitment to the use of prevention and diversionary intervention (Police, B.3). Training consists of diversion philosophy, rights of juveniles, and available community resources (Police, B.4). In-service training shall include techniques of crisis intervention, and dealing with aggressive persons and persons by age, sex, and cultural differences (Police, B.6).

### Family Court

Deployment of court personnel to achieve a flexible basis to service juvenile and families (Court, Goal F), by hours, days, and locations convenient to them (Court, F.1), and use of volunteers and paraprofessionals (Court, F.4) is advocated.

Staff development and training is held at least annually (Court, G.2) and covers administrative management, counseling skills, community organization, cultural and economic awareness (Court, G.3). Participation in and initiation of training programs in conjunction with community agencies are advocated (Court, G.4). Before a judge hears a case regarding juveniles it is advised that he participate in a program to orient him to the issues in juvenile law and dispositional alternatives available (Court, G.5).

### Hawaii Youth Correctional Facility

Standards call for training of newly hired employees (HYCF, F.1) and in-service training for other employees at least annually (HYCF, F.2). The administration is asked to develop a method to continuously assess and evaluate staff skills, attitudes, and improvements (HYCF, F.3).

### OTHER AREAS OF CONCERN

#### Education

Standards focus on alternative education programs being flexible to fit the needs of juveniles: contracting with educational programs in the community and giving DOE credits for the work done (Educ., 4); use of and support of community-based and -sponsored programs (Educ., 5); staffing (non-academic) based on experiential knowledge rather than academic degree (Educ., 1); and hiring staff as civil service exempt or on a contractual basis (Educ., 2).

Counseling and guidance shall be encouraged and the resources redistributed to the elementary level (Educ., Subgoal A). DOE is to encourage and utilize resources in the community to provide supportive services to the student (Educ., Subgoal B), and is asked to consider multi-service centers to offer interagency supportive services to secondary school students (Educ., B.3).

Policies and procedures regarding police contact with a student during school hours at the school, shall make the school personnel responsible to contact the parents immediately (Educ., 2), the principal to give permission to the police prior to their interview or interrogation (Educ., 3) and to explain to the student that he may request a school personnel's presence (Educ., 4), and if an arrest is made, a school personnel is to assist the juvenile in understanding his rights (Educ., 5).

#### Recreation

Recreation programs are seen as an integral part of an intervention strategy to divert and deter unlawful and problem behaviors (Rec., Goal). Involvement of juveniles in administration and planning aspects of recreation is advocated (Rec., 1), as well as the use of outreach services (Rec., 3), development of mechanisms to deal with disruptive behaviors (Rec., 4), and counseling services available to juveniles who may need it (Rec., 5).

#### Juvenile Justice Coordinating Council (JJCC)

Standards call for the council to assess and evaluate existing services (JJCC, 1), to plan and develop YSCs (JJCC, 2), to consider an intake agency separate from the court (JJCC, 3), incorporation of juvenile justice social services under one agency (JJCC, 4), and a data and analysis system for the juvenile justice system (JJCC, 5).

## CHAPTER V

### HAWAII CRIMINAL JUSTICE INFORMATION SYSTEMS (CJIS)

#### ORGANIZATION OF THE CJIS STANDARDS AND GOALS

Part I of the CJIS standard states the overall goal and commentary of the Hawaii CJIS Standards and Goals document; Part II addresses the Criminal Justice Information System Organization and the subgoal statement and commentary; while Part III covers the Criminal Justice Information System Development and Implementation and the subgoal statement.

#### PART I: CRIMINAL JUSTICE INFORMATION SYSTEM STANDARDS & GOALS

Goal Statement: To plan, organize, operate and maintain a uniform and comprehensive criminal justice information system in support of the criminal justice process in the State of Hawaii.

Commentary: Currently within Hawaii, the information systems of the various criminal justice agencies are designed to meet the specific needs of such criminal justice agencies. Accordingly, the component systems are fragmented; needed information are generally not readily available nor sufficiently comprehensive, or available but not readily accessible in usable form, or incompatible with information from other sources. Accordingly, a statewide interdependent and interacting organization structure is needed to develop a totally integrated information system in fully automated, partially automated and manual configurations which minimizes duplications and redundancies.

In today's climate of scarce resources, increasing competition for such resources and the need for information tools to improve the criminal justice process, a responsive system is needed not

only with intrastate linkages, but also with the FBI's National Crime Information Center (NCIC) and with other states.

Paradoxically, with the proliferation of computer systems and intrastate and interstate linkages, the chances of the compromises on information security are greater and the danger of the resultant invasion into the privacy of individuals is similarly pronounced. Therefore, controls [statutory (2.1), EDP systems, procedures (2.4), sanction (2.2)] must be devised to preclude such occurrences.

## PART II: CRIMINAL JUSTICE INFORMATION SYSTEM ORGANIZATION

Subgoal: To establish an organizational structure to plan, coordinate, develop, operate and control criminal justice process in the State of Hawaii.

Commentary: Of prime importance is an information system designed to protect the privacy rights of individuals by controlling information access, dissemination, accuracy, completeness and relevancy based on "right-to-know" and "need-to-know" principles (2.3).

In compliance with the Federal Rules and Regulations, the Hawaii State Security and Privacy Plan, dated March 16, 1976, was developed. The Plan calls for appropriate legislation of security and privacy provisions to be introduced by the State Attorney General. SAC is responsible to implement the Plan by December 31, 1977.

The CJIS has great utility for resource management purposes in the form of management and administrative statistics (MAS) and criminal justice process evaluation systems such as, Offender-Based

Transactions Statistics (OBTS), Offender-Based State Corrections Information Systems (OBSCIS), Hawaii Judiciary Information System (HAJIS), etc.

There should be a State CJIS development plan at the central level, maintenance of operational and statistical information of use to more than one agency (1.2); stringently effective quality control and audit controls to assure purity of data and information; and ready availability of appropriately needed technical assistance and advice support to any criminal justice agency (1.1, 1.6).

To assure maximum compatibility and utility of CJIS collected and handed information to all criminal justice agencies, advisory and policy bodies over state CJIS matters should be organized and comprised of a cross-section of all such agencies (1.4) and common criminal justice information support functions should be available at the most economical and operationally feasible jurisdictional level (1.5).

### PART III: CRIMINAL JUSTICE INFORMATION SYSTEM DEVELOPMENT AND IMPLEMENTATION

Subgoal: To develop, implement and operate a comprehensive, integrated criminal justice information system (CJIS) to support the criminal justice process in the State of Hawaii.

Commentary: There are several major operational information systems in various configurations, stages of development and in degrees of sophistication. The situation creates a special problem in Hawaii, because the overall blanketing system, the Hawaii CJIS [of the Statistical Analysis Center (SAC)], is being developed only after some of the components have been designed and implemented.

To avoid duplications, redundancies and expensive redesigns of ongoing systems, the overall CJIS must be tailored to accommodate the design features of the existing systems.

#### Statewide Interagency Information Systems

The standards in chapter 3 recommend a framework for the State to provide the leadership and services that will best promote and support the information and statistics needs common to more than one criminal justice agency.

The State should develop, implement and maintain a state level integrated Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH) information system (3.1); a statewide subject-in-process (SIP) system (3.2); and a state level crime statistics (3.3) and management and administrative statistics reporting systems (3.4). An automated warrant system to provide accurate and current status information on all warrants issued (3.5) and an inter- and intraagency telecommunications capability should be developed and maintained (3.6, 3.7).

The Hawaii SAC is implementing the components of the criminal justice Comprehensive Data System (CDS) which includes the OBTS/CCH and will also be developing the Management and Administrative Statistics (MAS) systems.

#### Individual Criminal Justice Agency Information Systems

Law Enforcement Information Systems (LEIS): Each law enforcement agency should be supported by a well-defined and effective information system to support management and operational needs (4.1, 4.4, & 4.5). Functions include the normal operational information but will exclude intelligence and investigative information.

Response times for providing information for law enforcement operational purposes are critical and therefore, such standards should be established for various operational conditions and needs (4.2). Law enforcement manpower allocation, reallocation and evaluation capabilities (4.6) should also be part of the design.

To support a national need while providing for some comparisons, all law enforcement agencies in Hawaii should participate in the FBI's UCR program (4.8).

Court Information System: The State should develop and maintain a court information system to collect, store, analyze and display information to support the management and administration of the court process which should be available to all court process participants, including the prosecutor and the public defender (5.1). Case flow, judicial personnel work load patterns for both felonies and misdemeanors (5.2), calendar management (5.3), defendant and case-unique information (5.4) and statistical and analytical information to support research and evaluation studies of the judicial process (5.5) should be designed into the court information system.

Prosecutor Information System: Prosecutors should be supported with data and statistics for case management, charge determination and case handling. Visibility as to weighing cases according to prosecution priority, policy and probability of success; elapsed time periods between major steps in adjudication and police purposes processes; daily calendar work loads and disposition; age of cases; case scheduling; index listings of witnesses; record of continuances, and selection criteria of witnesses are some of the features which should be adopted with the Prosecutor Information System (6.1).



Corrections Information System: The State should develop and maintain a statewide correctional information system to collect, store, analyze and display information for planning, operating and evaluating correctional programs, agencies and facilities. Point-in-time and period-in-time exception and statistical/analytical reports should be prepared to facilitate the management, administration and offender support needs of the system (7.1-7.2). For utility in the rehabilitative efforts of the offenders' official (date of entry, offenses and sentences, recommendations of courts, etc.); personal (age, race, sex, marital/family status, etc.); and historical (family background, educational background, occupational background, criminal history, etc.) data should be recorded (7.3). When an offender leaves the corrections system, his record and experience in the corrections system should be added to his record (7.4). The corrections information system should also evaluate the performance of the corrections system (7.5).

Planning and Evaluation: The State should establish a plan for the development, implementation and evaluation of criminal justice information and statistical systems in Hawaii. System objectives and specific services to be provided and sources of resources (8.1), effectiveness of uses of resources and achievement of objectives should be evaluated (8.4). Techniques of statistical analysis should be of the latest state-of-the-art and performed in an objective manner (8.2). Staff personnel should be capable of the highest quality of research, analyses, interpretation of information and statistics in order to determine the effect of criminal justice policies, procedures, practices and management decisions (8.3).

**END**