



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
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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



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.