

JUVENILE JUSTICE INFORMATION SYSTEM

Internal Management

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A G R E E M E N T

THIS AGREEMENT, entered into as of the 31st day of May, 2006, by and between the DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII, ("Department") and the HONOLULU POLICE DEPARTMENT, a juvenile justice agency in the state of Hawaii, ("Agency").

WITNESSETH:

The parties agree as follows:

A. Purpose.

This Agreement is entered into between the parties pursuant to chapter 846D, Hawaii Revised Statutes, which establishes the Juvenile Justice Information System, hereinafter referred to as the "JJIS". The Agency, which is a party to this Agreement, is required under the provisions of chapter 846D, Hawaii Revised Statutes, to participate in the JJIS program. The Department is required to administer and maintain the JJIS program.

The JJIS program is an automated information system which provides complete histories of juvenile offenders and statistics that describe the processing of juvenile offenders through the various stages of the juvenile justice system.

The purpose of this Agreement is as follows:

1. To provide for reporting by the Agency to the Department of accurate, comprehensive, and timely juvenile offender information;

2. To ensure that the Department's and the Agency's operational personnel will expend the effort and cooperation which contribute to a well-functioning JJIS;

3. To ensure that such information is maintained by the Department and the Agency in an accurate, comprehensive, and timely manner; and

4. To prohibit and protect against the improper and unlawful dissemination of such information.

B. Definitions.

As used in this Agreement:

Accurate means that juvenile information contains no erroneous information of a material nature.

Comprehensive means that all dispositions are accurately captured as the case moves through the juvenile justice system.

Deleted - as used in describing the expungement process - means that the data is removed from the JJIS and no longer exists in an electronic file. It is not simply moved to a separate section of the database - it has been obliterated.

Disposition means the current status of an offense.

Dissemination means to share data through written documents, electronic transmissions, or by speaking.

JJIS Data means the data as it is stored in the JJIS database - it specifically does NOT mean the data housed in the originating agency.

JJIS Identification Number means the unique number assigned by the JJIS to a specific person - either a juvenile offender or a missing child.

JJIS Technical Subcommittee means the group of people that make decisions and recommendations of a technical nature with respect to the JJIS. Each participating agency has a representative on the technical subcommittee and the technical subcommittee is chaired by JJIS staff. In addition to the participating juvenile justice agency representatives, other members of the subcommittee include representatives of the information technology divisions of the Executive Branch, the Judiciary, and the counties.

JJIS User Committee means a group of people who use the JJIS on a regular basis. The members of the user committee make recommendations on changes to the JJIS that make it a better tool for juvenile justice agencies. The members also prioritize

changes and approve screen modifications. Each member of the Juvenile Justice Information Committee appoints a representative to the JJIS User Committee.

Juvenile means a minor or child as defined in section 571-2, Hawaii Revised Statutes.

Juvenile Justice Agency means any state or county government agency in Hawaii or sub-unit of an agency in Hawaii with investigative, detention, custodial, adjudicative, and program responsibility for juveniles, as set forth in section 846D-1, Hawaii Revised Statutes.

Juvenile Justice Information Committee, hereinafter referred to as the "JJIC" means the committee whose members are appointed by the Attorney General pursuant to section 846D-2, Hawaii Revised Statutes.

Law Violation means any offense including violations of county ordinances and state statutes but excluding status offenses.

Purge means to remove a JJIS record from the JJIS database and transfer the record, without offender name and identifiers, to the JJIS archive.

Reasonable means such time as is necessary conveniently to do

what is required and as soon as circumstances will permit.

Reportable Events means a police contact (arrest or referral), release after police contact without a subsequent referral, referral to another agency or program, program compliance, filing of a charging document, informal adjustment, decision to decline prosecution, withdrawal of charges, adjudication (including all results), commitment to confinement, escape from confinement, release from confinement, and others as determined by statutes and rules. When a law violation or status offense is referred from one juvenile justice agency to another, the receiving agency shall log the referral as a reportable event in a timely manner. Reportable events that have an unknown outcome are reported as pending.

Retention Cycle means the policy established by Hawaii's Supreme Court for determining the length of time for retaining juvenile records. The determination is based on the age of the juvenile and the severity of offenses. When the established criteria are met, the juvenile record is purged. The policy ranges from purging status offenses and unadjudicated offenses at age 18 to purging adjudicated felony A and murder offenses at age 30. There are intermediate steps for other severities. The entire record of an individual is purged concurrently, thus the most severe offense determines the purge criteria for the offender.

Security Liaison means an agency representative designated by the head of the agency with specific JJIS responsibilities.

Signatures of security liaisons are kept on file in the JJIS office and used to authenticate all access requests. It is the responsibility of the JJIC member to notify the JJIS administration in the event of a change in the designation of the agency's security liaison.

Status offense means the violation or alleged violation of a law in a special category of non-criminal laws that apply solely to and can only be violated by a juvenile, e.g., runaway, truant, curfew violation.

Timely means that information was transmitted to the JJIS within 72 hours of the occurrence of a reportable event. In this context, holidays and weekends are excluded. The number of hours that defines a timely transmission may be amended by a JJIC motion with subsequent notification to all juvenile justice agencies.

C. Incorporation of the Hawaii Revised Statutes and the Rules and Regulations Relating to Juvenile Offender Data.

1. Chapter 846D, Hawaii Revised Statutes.
2. Rules and Regulations (Relating to juvenile offender information).

The terms of this Agreement set forth below are to

be construed in a manner consistent with such laws and rules and regulations and as such they may be amended from time to time. In the event of a conflict between the terms of this Agreement and such laws and regulations, the provisions of the laws and regulations shall govern the respective rights and duties of the parties.

D. Services Provided by the Department.

The Department is responsible for collection, storage, dissemination, and analysis of the data in the JJIS. The Department designs, programs, implements, and maintains the JJIS, and it has administrative control over the JJIS program. Additionally, it is responsible for developing the procedures for reporting, inputting, accessing, and protecting the data in the JJIS. The Department shall accept input from the JJIC in all areas that require interagency cooperation and coordination.

E. Affirmative Juvenile Justice Agency Access Responsibility.

All Juvenile Justice Agency participants shall ensure that access and use of the data in the JJIS is limited to those individuals and their appropriate staff who are actively involved in decision-making regarding an individual juvenile.

F. Agency Representation.

The Agency has representation at all levels of the JJIS program. The Agency shall designate a security liaison, a member of the JJIS technical subcommittee, and a representative on the JJIS User Committee. The Agency may participate in the various ad-hoc subcommittees of the JJIC. At the policy level, the Agency is represented on the JJIC by the head of the agency or his/her designee as appointed by the Attorney General.

G. Method of Reporting Juvenile Offender Information.

The Agency shall report to the Department all information pertaining to reportable events in such a manner so as to permit other juvenile justice agencies to locate the subject of the information at any stage in the juvenile justice system. Each transmission of the information shall include:

1. The date and time of occurrence of the reportable event.
2. The Agency identification number.
3. The data by which the Agency identifies the subject within its own records.
4. The JJIS identification number of the subject.
5. The police report number associated with the reportable event, unless the offense was not originally reported by a police agency, e.g., contempt of court.

H. Data Submission/Timely Reporting.

The Agency shall be responsible for the submission of defined data elements with respect to all missing children and all minors who have contact with the juvenile justice system due to law violations, status offenses, or for any offense declared by rule or regulation promulgated by the Department to be a significant offense necessary to be reported for the proper administration of juvenile justice. All potential data elements relating to the Agency's submission are contained in Attachment A. Mandatory data elements are enumerated in a separate agreement.

All reportable events shall be reported as promptly as feasible. The Agency is responsible for adhering to the definition of timely reporting.

I. Data Ownership/Responsibility.

The agency which is assigned to input a specified data element is deemed to be the "owner" of the assigned data element. As the "owner," the agency is solely responsible for inputting and updating such data on a continuing and timely basis in order to ensure the accuracy of the data and the integrity of the system.

The Department shall provide the necessary security to ensure that no other agency can alter the information previously entered by the owner agency.

J. Record Keeping and Audit.

The Agency shall institute a process of data collection, entry, storage, and systematic audit of juvenile offender information that will minimize the possibility of recording and storing inaccurate information. If the Agency finds that it reported inaccurate information of a material nature, it shall notify all juvenile justice agencies known to have received such information. The Agency shall also:

1. Maintain for a minimum of one year a listing of the individuals or agencies other than internal staff to which juvenile offender information was released, a record of what information was released, the date such information was released, and the name of the individual who provided the information. This provision is not applicable to the use of juvenile offender information for investigative and prosecution purposes by employees of the Agency.

2. Establish a disposition monitoring process to update overdue dispositions.

3. Verify all record entries for accuracy and completeness.

The Department shall have the right, on request, to inspect the facilities and to conduct an annual audit to verify the accuracy and completeness of juvenile offender information maintained by the Agency, and to determine adherence to chapter 846D, Hawaii Revised Statutes, and rules adopted thereunder.

The Agency shall retain appropriate records to facilitate the annual audits.

The Department shall provide the Agency with a standardized format for the required listing.

K. Security.

The parties acknowledge that juvenile offender information and the facilities used for the collecting, storing, reporting and disseminating of juvenile offender information must be maintained in a secure environment to ensure against unauthorized access, dissemination, alteration, or destruction.

The Department shall ensure the software quality so that only authorized individuals are granted access to JJIS.

The Agency shall adopt and maintain the following minimum security standards:

1. Implement procedures designed to:

a. Ensure that access to terminals is permitted only to authorized personnel of the Agency who need access in order to exercise their juvenile justice responsibilities;

b. Ensure that the Department is notified in the event of termination of employment of any person assigned a password, or the transfer of such person to another position within the Agency in which position access is not required by such person in order to exercise his or her responsibilities.

2. Designate employees to be the security

liaisons who shall have primary responsibility for the security of the juvenile offender information within the Agency and the facilities by which juvenile offender information is reported, maintained, and disseminated. The responsibilities of the security liaisons include but are not limited to:

a. Implementing of necessary procedures to prevent unauthorized reporting, dissemination, modification, or destruction of juvenile offender information.

b. Maintenance of logs and records necessary for the Department to conduct an audit and inspection of the Agency's facilities for the purpose of determining the Agency's compliance with the requirements of this Agreement.

c. Review the level of JJIS access that is requested by each employee of the Agency. Attest to the qualifications and need of each employee of the Agency requesting access to the JJIS.

3. Each employee of the Agency authorized to have access to juvenile offender information shall be instructed by the Agency as to the security provisions of this Agreement regarding the reporting, use, and dissemination of juvenile offender information.

4. As a condition of access to JJIS, each employee of the Agency shall execute a security request in which the employee affirms that the employee:

a. Has been trained in the use of JJIS;

b. Is aware of the confidentiality of the juvenile information in JJIS;

c. Understands that it is a misdemeanor to gain or allow unauthorized access to JJIS data or to disseminate JJIS data except as authorized; and,

d. Understands that sharing of security IDs or passwords is not allowed and that all users are accountable for their use of JJIS data.

L. Limitations on Dissemination.

The Agency shall disseminate JJIS data only for purposes of the administration of juvenile justice.

The Agency shall not disseminate JJIS data to any other non-juvenile justice agency, individual, or organization without the express prior approval of the Department.

In no event shall the parties confirm or deny the existence or non-existence of JJIS data to any agency, individual, or organization which is not qualified to receive such information in its own right.

These dissemination limitations do not apply to adjudication data under section 571-84.6, Hawaii Revised Statutes.

M. Retention Cycle.

The parties agree that the JJIS shall follow the retention cycle as established and amended by the Supreme Court of

the State of Hawaii for the records of juvenile offenders. On a monthly cycle, the JJIS data that becomes eligible to be purged will be removed from the JJIS database and transferred to the JJIS archive where it will remain indefinitely for research purposes. Records in the JJIS archive will have no juvenile offenders' names and no identification numbers. There will be no possibility of re-establishing the identification of the juvenile offender after the record has been archived.

N. Expungement Procedure.

Upon receipt of a valid court order pursuant to section 571-88, Hawaii Revised Statutes, JJIS staff shall delete all data enumerated in the court order from the JJIS within two working days. If the subject juvenile offender has no other offenses in the JJIS, all demographic data shall also be deleted. The JJIS staff responsible for the deletion shall notify the Hawaii Criminal Justice Data Center and provide the associated police identification number so that any related fingerprints will be appropriately processed. The court order shall be stored in a secure file in the JJIS office.

O. Costs and Expenses.

The Department is responsible for the costs associated with development, testing, implementation, and ongoing software maintenance of the JJIS as well as the JJIS administration. The Department is also responsible for the

initial expense of an interface between the JJIS and the Agency's operational information system. The Agency is responsible for the cost of its own operational information system and the recurring costs associated with sharing data with the JJIS.

P. Sanctions.

The Department may suspend furnishing the services described in this Agreement to the Agency whenever the Department has determined and so notified the Agency that any terms of this Agreement or related rule, procedure, or policy are violated or reasonably appear to be violated. The Department may resume furnishing such information upon receipt of satisfactory assurances that such violations did not occur or that such violations have been fully corrected or eliminated. Suspension of such services will not relieve the Agency from its obligations under this Agreement.

Q. Integrated Information System.

The parties acknowledge that all juvenile justice agencies are dependent on each other to maintain uniformity and consistency in the area of information technology. Changes by any of the juvenile justice agencies in information technology may affect the other agencies. All juvenile justice agencies will communicate any planned technology changes to the other agencies with sufficient advance notice as to ensure the

uninterrupted operation of the JJIS to all of the participating juvenile justice agencies.

R. Dispute Resolution Process.

The parties agree to first use mediation to attempt to resolve any disputes.

IN VIEW OF THE ABOVE, the parties execute this Agreement by their signatures, on the dates below, to be effective upon signature.

DEPARTMENT

By

Print Name: **Mark J. Bennett**

Title: **Attorney General**

Date:

JUN 19 2006

AGENCY

By

Print Name: **Boisse P. Correa**

Title: **Chief of Police**

Date:

5.8.06

APPROVED AS TO FORM:

Russell A. Suzuki

Deputy Attorney General

APPROVED AS TO FORM AND LEGALITY

mj

DEPUTY Corporation Counsel
City & County of Honolulu

ATTACHMENT A

Data Elements

Police Agencies

General

Agency Juvenile ID
JJIS ID

Demographics

Last Name
First Name
Middle Name
Alias Last Name
Alias First Name
Alias Middle Name
Sex
Date of Birth
Citizenship
SSN
Street Address
City
State
Zip Code
Residence Phone
School
Ethnicity (one minimum; five maximum)
Height
Weight
Skin Tone
Eye Color
Hair Color
Build
Scars, Marks and Tattoos (zero minimum; four maximum)
Description of Scar, Mark or Tattoo
Associated Person Name (e.g. father, mother, guardian, etc.)
Associated Person Phone

Juvenile Special Information Flags

Special Information Type (e.g. "wanted for questioning", etc.)
From Date
To Date

Apprehension/Offense

Police Report Number
Beat
Photograph Date
Fingerprint Date
Apprehension Method
Arrest Date
Arrest Time

Arrest Location
Arresting Officer
Assisting Officer
Offense Date
Offense Time
Offense Location
Secured Detention Date
Secured Detention Time
Secured Detention Removal Date
Secured Detention Removal Time
Charge Count
Initial Charge Modifier
Initial Charge
Final Charge Modifier
Final Charge
Disposition
Disposition Date
School at Time of Arrest
Assigned To
BAC

Missing/Wanted

Police Report Number
NCIC Id
Missing Wanted Status (e.g. missing, runaway, escaped, etc.)
Status Date
Found/Closed Date
Miscellaneous Description
APB Number
Investigator
Investigator Phone
Complainant Last Name
Complainant First Name
Complainant Middle Name
Complainant Relation to Juvenile
Complainant Residential Phone
Complainant Business Phone
Complainant Street Address
Complainant City
Complainant State
Complainant Zip Code
Miscellaneous Description
Suspected Abductor Last Name
Suspected Abductor First Name
Suspected Abductor Middle Name
Suspected Abductor Sex
Suspected Abductor SSN
Suspected Abductor Ethnicity (zero minimum; five maximum)
Suspected Abductor SMAT (zero minimum; four maximum)
Suspected Abductor Height
Suspected Abductor Weight
Suspected Abductor Skin Tone
Suspected Abductor Eye Color
Suspected Abductor Relationship to Juvenile
Suspected Abductor Phone

Suspected Abductor Street Address
Suspected Abductor City
Suspected Abductor State
Suspected Abductor Zip Code
Suspected Abductor Probable Destination

Juvenile Programs

Program
Program Compliance
Program Start Date
Program End Date
Program Rescheduled Date
Program Sponsor
Physical Location
Miscellaneous Notes
Police Report Number (one minimum; three maximum)
Program Classification
Program Type

Juvenile Notes

Critical Note Flag
Note Text (3 lines)
Division
Note Start Date
Note Removal Date
Note Purge Flag

Prosecutor Agencies

General

Agency Juvenile ID
JJIS ID
Referring Police Agency

Demographics

Last Name
First Name
Middle Name
Alias Last Name
Alias First Name
Alias Middle Name
Sex
Date of Birth
Citizenship
SSN
Street Address
City
State
Zip Code
Residence Phone
Associated Person Name (e.g. father, mother, guardian, etc.)
Associated Person Phone

Offense

Case Number
Police Report Number
Charge Count
HRS
Charge Modifier
Filing Disposition
Filing Disposition Date
Disposition of Charge
Disposition Date
Disposition Time
Offense Date and Time
Charge Severity
Case assigned Staff Person

Family Court**General**

Agency Juvenile ID
JJIS ID
Referring Agency

Demographics

Last Name
First Name
Middle Name
Alias Last Name
Alias First Name
Alias Middle Name
Sex
Date of Birth
Citizenship
SSN
Street Address
City
State
Zip Code
Residence Phone
School
Ethnicity (one minimum; five maximum)
Height
Weight
Skin Tone
Eye Color
Hair Color
Build
Scars, Marks and Tattoos (zero minimum; four maximum)
Description of Scar, Mark or Tattoo
Associated Person Name (e.g. father, mother, guardian, etc.)
Associated Person Phone

Court Data

Conditions

Condition Status
Condition Start and End Dates
Proof of Compliance Date
Hours or Dollars Assigned
Court Appearance
Calendar Type
Appearance Date and Time
Scheduled and Actual Judges
Hearing Disposition
Placements
Probation Officer
Appearance Type
Referrals
Referral Source Document Number
Referral Date
Referral Source Agency
Petition File Date
Referral Reason/Amended Referral Reason
IA Agreement Date
Plea/Change of Plea
Adjudication Result
Adjudication Date
Referral Termination Type
Referral Termination Date
Referral Termination Reason
Legal Status
Legal Status Start and End Dates
Warrant
Warrant Status
Warrant Issue and End Dates

Hawaii Youth Correctional Facility

General

Agency Juvenile ID
JJIS ID

Demographics

Last Name
First Name
Middle Name
Alias Last Name
Alias First Name
Alias Middle Name
Sex
Date of Birth
Citizenship
SSN
Street Address
City
State
Zip Code
Residence Phone
School
Ethnicity (one minimum; five maximum)

Height
Weight
Skin Tone
Eye Color
Hair Color
Build
Scars, Marks and Tattoos (zero minimum; four maximum)
Description of Scar, Mark or Tattoo
Associated Person Name (e.g. father, mother, guardian, etc.)
Associated Person Phone

Juvenile Special Information Flags

Special Information Type (e.g. Apprehension Letters, etc.)
From Date
To Date

Commitments

Commitment Date
Commitment Type
Offenses Committed For
Photograph Date
General Location
Specific Location
Control Type
Problems
Expected Discharge Date
Notify Victim
Actual Discharge Date
Discharge Type
Discharged To
Social Worker

Physical Location

Programs

Program
Sponsor
Scheduled Date and End Date
Type
Location
Compliance
Notes