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**Subject:** Hawaii Agrees to Change Policies for Incarcerated Gay Youths - New York Times  
**Date:** February 13, 2006 12:13:48 PM EST  
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**The New York Times**  
nytimes.com

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February 13, 2006

## Hawaii Agrees to Change Policies for Incarcerated Gay Youths



By JANIS L. MAGIN

HONOLULU, Feb. 12 — Under a settlement with the federal government, the state has agreed to make sweeping improvements at [Hawaii's](#) troubled youth prison in the next three years, but a civil liberties group that sued over the problems says the agreement does not go far enough to protect gay wards from harassment, abuse and discrimination.

The settlement with the Justice Department came last week as a federal district judge, J. Michael Seabright, issued a preliminary injunction in a lawsuit that was filed in September by the American Civil Liberties Union of Hawaii. The judge described conditions at the prison, the Hawaii Youth Correctional Facility, as "chaotic" and called for the state to stop the abuse and harassment of lesbian, gay, bisexual and transgender wards.

The lawsuit, coming after a Justice Department report last summer that described the 71-bed youth facility in Kailua as "existing in a state of chaos," was filed on behalf of an 18-year-old lesbian, an 18-year-old boy perceived by guards and other teenage wards to be gay and a 17-year-old male-to-female transgender girl. It says the teenagers were physically and verbally abused by staff members at the facility as well as by other wards because of their sexual and gender orientation.

"Everyone knew that the climate was pretty pervasive and nobody did anything about it," said Lois Perrin, legal director for the A.C.L.U. of Hawaii. Judge Seabright has scheduled a status conference on the case for Monday.

Hawaii's attorney general, Mark J. Bennett, said on Friday that the state planned to develop specific policies to deal with lesbian, gay, bisexual and transgender wards, and that state officials would consult with the A.C.L.U. in doing so.

Ms. Perrin, who delivered a list of proposed injunctions to the court on Friday, said the A.C.L.U. wanted the changes done under a court order and more quickly than the three years the state had to comply with the federal agreement.

"We're asking that they are not allowed to discriminate, harass or abuse wards, based on actual or perceived sexual orientation, gender identity or sex," Ms. Perrin said. She said the A.C.L.U. also wanted the state to thoroughly investigate accusations of harassment and abuse, to stop using isolation to protect wards from abuse by other teens, and to provide a physically and psychologically safe environment.

The state's settlement agreement with the Justice Department imposes dozens of conditions on the youth prison, including the development of suicide prevention and intervention procedures, the protection of young wards from physical and sexual abuse, and the

employment of enough staff members to adequately supervise and care for the wards. An independent monitor will oversee the state's changes.

The state also agreed to conduct criminal record checks within the next four months on all employees who worked directly with the youths.

"It certainly indicates that we need to make sure that the individuals who are employed at the facility who come in contact with youth are the right people to be working there," Mr. Bennett said.

He said the agreement, the result of four months of negotiations, did not include an admission of constitutional violations or other wrongdoing by the state. The state has three years to comply, or the Justice Department may refile its lawsuit.

"Obviously if we didn't think there were serious problems at the facility we wouldn't have entered into as comprehensive an agreement as this one was," Mr. Bennett said. "This agreement imposes substantial burdens on the state. It's going to be expensive and it's going to take time."

A number of Hawaii institutions have had trouble with the federal government. Thirteen years of federal oversight at Hawaii State Hospital in Kaneohe, the state's mental health facility, ended a little over a year ago. The Oahu Community Correctional Center operated under federal supervision from 1985 to 1999 under a consent decree that limited the number of inmates.