

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawai'i

March 31, 2017

RE: S.B. 718, S.D. 1, H.D. 1; RELATING TO THE COMMUNITY COURT OUTREACH PROJECT.

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 718, S.D. 1, H.D. 1.

The purpose of this bill is to recognize and address the impact that homelessness has had on our criminal justice system, to the extent that our courts are currently clogged with low-level, non-violent cases, in which the defendants are homeless. To do this, S.B. 718, S.D. 1, H.D. 1, would implement a new and innovative means of bringing the courtroom into the community, for certain types of cases, in a collaborative effort between our Department, the Department of the Public Defender, and the Judiciary. Essentially, the Community Court Outreach Project would simultaneously:

- Decrease the backlog of pending, low-level, non-violent cases;
- Allow offenders to clear their pending cases;
- Provide court orders for counseling, treatment, and/or referral to homeless services, on a case-by-case basis;
- Provide consequences through community service instead of incarceration or fines.

The Project would begin with a four-year pilot program on the island of Oahu, with ongoing assessment and potential application for other islands thereafter.

Currently, our courts are seeing a large number of defendants, charged with low-level, non-violent crime, who are not appearing for arraignment or other hearings; this leads to a bench

warrant (for arrest) being issued by the court. If and when the defendant is subsequently arrested, they are either jailed overnight (unable to post bail) and sentenced to credit for time served, or fined, or released on recognizance. If released on recognizance, they may again fail to appear for their next hearing, and another bench warrant will have to be issued. Ultimately, these cases utilize a disproportionate amount of limited resources from all agencies involved, and clog our court calendars, without offering the defendant sufficient rehabilitation to prevent recurring offenses.

Under S.B. 718, S.D. 1, H.D. 1, certain designated personnel from our Department, the Department of the Public Defender, and the Judiciary would officially set up a “mobile court” that could be convened in public schools, recreation centers, community health centers, or other community-based locations that are more convenient for selected defendants. Each case and defendant would be specifically reviewed and selected ahead of time, for participation in this program. The types of offenses that could likely be considered are:

- Parking violations (currently a total of 7,163 in our court system)
- Liquor in public place (2,173)
- Smoking violations (1,146)
- Simple trespass (1,312)
- Criminal littering (282)

All participating defendants would be represented by a Deputy Public Defender, and assisted by a social worker/advocate arranged by the Public Defender, both of whom would be present at the “mobile court” location. Appropriate sentences would be determined on a case-by-case basis, and would not include imprisonment, but may include a range of other options, such as court-imposed community service, mental health care and/or substance abuse treatment.

Because our Department, along with the Department of the Public Defender and the Judiciary have long recognized the issues that S.B. 718, S.D. 1, H.D. 1 seeks to address, we have already begun exploring the potential for a Community Court Outreach Project on Oahu. After being awarded one of 10 federal grants in 2016—two year grant in the amount of \$200,000 annually—for planning, training and staffing this type of project, our three agencies initiated a test-run of the Community Court Outreach Project on January 26, 2017. Due to restrictions on the grant monies, the test-run was held at the Honolulu District Court at 1111 Alakea Street, Honolulu Hawaii.

For purposes of this “soft launch,” our Department and the Department of the Public Defenders selected four (4) defendants who voluntarily agreed to participate in the project. Between these four (4) defendants, fifty-three (53) different cases were consolidated and resolved through agreed-upon plea agreements that imposed community service work without incarceration. These charges ranged from low-level traffic offenses to minor nuisance cases. In the process, a total of nineteen (19) outstanding bench warrants were also addressed and resolved. Moreover, each defendant was able to speak with various service providers on-site, such as substance abuse or housing. Most importantly, each defendant was given the chance to clean their slate, give back to the community and finally have the chance to regain control of their life and start anew. **On February 23, 2017, court reconvened for the initial four (4) defendants to provide proof of compliance with the conditions of the plea agreement.**

Three (3) of the four (4) defendants had fully completed their community service work while the last defendant has not been allowed to start community service work, as his medical clearance is still pending. Additionally, on February 23, 2017, three (3) new defendants voluntarily agreed to participate and entered into the Community Courts Outreach Project. Between the three (3) defendants, fifty-six (56) cases were consolidated and resolved, while six (6) outstanding bench warrants were also addressed and resolved in court. On March 23, 2017, court again reconvened for the three (3) most recent defendants. Two (2) of the three (3) defendants had fully completed their community service work, while the third defendant is in the process of completing their community service work. In addition, five (5) new defendants entered the Community Courts Outreach Project. Between the five (5) defendant's, eighty-two (82) cases were consolidated and resolved in court with a proof of compliance date set for April 27, 2017.

The Department is proud to be part of an innovative plan to address these various aspects of homelessness, while also maintaining respect for our criminal justice system and relieving some of the backlog that currently weighs on our court system. Homelessness should not equate to lawlessness.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 718, S.D. 1, H.D. 1. Thank you for the opportunity to submit testimony on this matter.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 718, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO THE COMMUNITY COURT OUTREACH PROJECT

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Friday, March 31, 2017; 3:00 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) **appreciates the intent** of Senate Bill (SB) 718, Senate Draft (SD) 1, House Draft (HD) 1 which proposes to establish a community court outreach project and requires the Judiciary to operate a mobile court that travels to community sites where defendants who have been cited or arrested for nonviolent offenses live or gather. PSD offers the following comments.

PSD notes that SB 718, SD 1, HD 1 deletes the blank appropriation to our department for the next two fiscal years to provide security for the mobile community court outreach project which was previously included in SB 718, SD 1. PSD notes that in its previous testimony on SB 718, SD 1, the Judiciary stated that "safety and security is a concern . . . therefore, assistance from the Department of Public Safety will be required."

If the services of our deputy sheriffs will be required to assist in this mobile community outreach court project, then PSD provides the following information. If two deputy sheriffs are specifically assigned to this roving court, which would

operate five days a week, then PSD's normal operational plan is to estimate for three (3) deputy sheriffs to assure that both positions are covered in the event of leave by either of the deputies prompted by sick, vacation, comp time, training, or other issues. Three deputy sheriffs for the first fiscal year would cost \$224,135. A patrol vehicle for the deputy sheriffs to travel to the roving courts would cost \$43,000, for a total cost of \$267,135. Three deputy sheriffs for the second fiscal year would cost \$203,231. The difference in costs from the first to second year is based upon initial equipment issuance (uniforms, gun, badge, etc.) upon graduation from the recruit academy.

If, however, it is acknowledged and accepted that although two deputy sheriffs assigned to this roving court, but only one deputy sheriff may be present if the other deputy sheriff is in training or on leave, then the cost for two deputy sheriffs the first year will be \$149,424, plus \$43,000 for the vehicle, for a total cost of \$192,424. The cost for two deputy sheriffs the second year will be \$135,488. PSD further notes that deputy sheriff recruits train for six months prior to graduation from the Law Enforcement Recruit Academy. The next Law Enforcement Recruit Class is anticipated to start in May 2017, with graduation in November 2017.

If no funds are appropriated to provide for the assistance from PSD required by the Judiciary, then the Sheriff Division anticipates personnel staffing issues and overtime costs, which are yet to be determined.

Thank you for the opportunity to present this testimony.



SB 718 Community Court Outreach: Judiciary to operate a mobile court that travels to community sites where defendants cited or arrested for nonviolent offenses live or congregate and disposes of the cases after plea agreements have been reached by the Honolulu prosecuting attorney and public defender.

HOUSE COMMITTEE ON JUDICIARY:

- Representative Sylvia Luke, Chair; Representative Ty Cullen, Vice Chair
- Wednesday, Mar. 31, 2017: 3:00 p.m.
- Conference Room 308

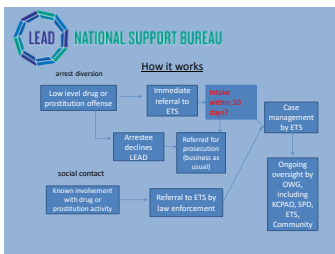
HSAC Supports SB718 SD1 HD1: ALOHA CHAIR LUKE, VICE CHAIR CULLEN AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 non-profit alcohol and drug treatment and prevention agencies.

The Hawai'i Substance Abuse Coalition supports the criminal justice's systems response to minor nonviolent offenses that overburden the courts and law enforcement through a mobile court pilot program on Oahu.

The Law Enforcement Assisted Diversion (LEAD), a pre-arrest diversion program, also has the same objectives but utilizes case managers to divert people with minor offenses to appropriate treatment services. It will be critical for these programs to coordinate effectively to maximize results.

LEAD is the using program model that has shown promising success in diverting individuals engaged in low level substance abuse related criminal behavior to community treatment and case management services.

- *LEAD's goal is to improve public safety and public order, and to reduce the criminal behavior of people who participate in the program.* Other goals are to "reduce" number of people involved in low level offenses related to drug use, mental health, sex work and poverty; "undo" racial disparities in the criminal justice system; "sustain" funding for alternate interventions by reinvesting justice system savings; and "strengthen" relationships between law enforcement and community.



LEAD works by giving low-level drug offenders a choice: they can go the standard route of arrest-prosecution-incarceration, or be sent to a case-management program, which offers support services including transitional housing, counseling, job training and drug treatment.

LEAD, a community-based pre-arrest diversion program, is intended to be a more humane response to stopping illegal criminal activity (such as prostitution and theft) among low-level offenders with behavioral health problems. Current programs across the nation indicate that the majority of low level criminal activity is done by people struggling with addiction problems.

We appreciate the opportunity to provide testimony and are available for questions.



Dedicated to safe, responsible, humane and effective drug policies since 1993

TO: House Committee on Finance
FROM: Carl Bergquist, Executive Director
HEARING DATE: 31 March 2017, 3PM
RE: SB718 SD1 HD1, Relating to the Community Court Outreach Project, **IN SUPPORT**

Dear Chair Luke, Vice Chair Cullen & Members of the Committee::

The Drug Policy Forum of Hawai'i (DPFHI) supports the community outreach court as one tool to deal with non-violent offenders who enter the criminal justice system, do not receive proper rehabilitative services and instead wind up burdening law enforcement whose resources should be focused elsewhere. Many of these non-violent offenders are in need of treatment for drug use or mental health issues.

Ideally, the Court can serve as the backend solution for some of these individuals, complementing the front-end solutions of existing diversion programs and an innovative new one known as Law Enforcement Assisted Diversion (LEAD) as proposed in [HB1195 HD1 SD1](#) and the Governor's budget. LEAD would operate pre-arrest or pre-booking and divert certain individuals into treatment rather than into prison.

Above and beyond these initiatives, in order to further decrease the burden on the criminal justice system **we also believe in changing some of our outdated statutes, particularly as they relate to controlled substances**. Decriminalization of drug paraphernalia (as proposed by [HB1501 HD2](#)) would strike an offense from the books that should no longer be part of the HRS. This would help not just the individuals being criminalized and stigmatized, but also allow both the diversion programs like LEAD and the proposed Community Court to better focus their limited resources.

Mahalo for the opportunity to testify.



Community Health Outreach Work

677 Ala Moana Blvd., Suite 226
Honolulu, HI 96813
Phone (808) 853-3292 • Fax (808) 853-3274

TESTIMONY FOR SB718 SD1 HD1: RELATING TO THE COMMUNITY COURT OUTREACH PROJECT

TO: Rep. Sylvia Luke, Chair, Rep. Ty J.K. Cullen, Vice Chair, and Members of the Committee on Finance

FROM: Heather Lusk, Executive Director, CHOW Project

Hearing: Friday, March 31, 2017 at 3:00 PM in Conference Room 308

Dear Chair, Vice Chair, and members of the committee:

Thank you for the opportunity to provide testimony for SB 718 SD1 HD1.

The CHOW Project supports the criminal justice's systems response to minor nonviolent offenses that overburden the courts and law enforcement through a mobile court pilot program on Oahu.

The Law Enforcement Assisted Diversion (LEAD), a pre-arrest diversion program, also has the same objectives but utilizes case managers to divert people with minor offenses to appropriate treatment services. LEAD is a key component to the multi-faceted approach to homelessness that the legislature wishes to implement. LEAD could be an effective complement to other programs dedicated to addressing issues around homelessness, such as the community outreach court.

CHOW started and coordinates the Hawaii LEAD HUI, a group of 24 agencies dedicated to implementing a LEAD pilot in Hawaii with fidelity to the Seattle model (<http://leadkingcounty.org>). Seattle's LEAD program has effectively diverted low-level offenders from arrest to non-punitive programs that allow the individual to receive appropriate support from the community. LEAD has five years of data showing its effectiveness:

- LEAD participants were 58% less likely to be re-arrested
- LEAD participants accessed services (49% mental health treatment, 55% drug treatment)

In order to replicate these outcomes in Hawaii, we must also replicate the core components that the evaluation found to be effective for LEAD, including:

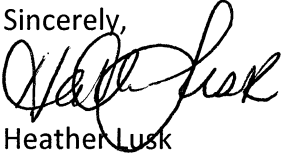
- Harm-reduction based intensive case management with a warm hand off from law enforcement, with only an intake mandated to participate;
- On-going case coordination between law enforcement and community-based case managers;
- A coordinating committee comprised of law enforcement, the prosecutor's office, public safety and community members such as the LEAD hui; and
- Comprehensive data collection and program evaluation to identify elements of effectiveness.

The Community Health Outreach Work (CHOW) Project is dedicated to serving individuals, families and communities adversely affected by drug use, especially people who inject drugs,

through a participant-centered harm reduction approach. CHOW works to reduce drug-related harms such as but not limited to HIV, hepatitis B/C and overdose. CHOW supports the optimal health and well-being of people affected by drug use throughout the State of Hawaii. CHOW has operated the statewide syringe exchange program for the past twenty years.

Thank you for taking the time to read my testimony today.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lusk". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lusk".

Heather Lusk

Executive Director

CHOW Project

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

Friday, March 31, 2017

3:00 pm

Room 308

SUPPORT - SB 718 SD1, HD1 - COMMUNITY COURT OUTREACH

Aloha Chair Luke, Vice Chair Cullen and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the almost 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,700 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons supports helping houseless individuals clear up outstanding warrants for non-serious offenses and we are happy to see the acknowledgement by both Chairs that this Honolulu pilot program can beautifully dovetail with Law Enforcement Assisted Diversion (LEAD) program to reduce the jail population. The SD1 allocates funds to the prosecutor and public defender and defects the date for further discussion.

The purpose of this program is to (1) Travel to communities where defendants who: (A) Have been cited or arrested for certain nonviolent offenses; and (B) Do not pose a threat to the public, and (2) Disposes of the cases of defendants who enter plea agreements after negotiations between the prosecuting attorney and public defender. This program will help those who have minor violations.

Another aspect of this measure that we respectfully ask the committee to consider is funding for the community services to which an individual's participation is mandated.

Currently, this measure asks for funding for the prosecutor and the public defender. Since the services are mandatory, it is only fair that the service providers in the community be funded as well.

The success of the LEAD program in Seattle is because the participation in the program is voluntary. Research shows that voluntary treatment has better outcomes than mandatory/coerced treatment. SB 718 SD1 requires mandatory participation in programs.

As reported by the prosecutor, these violations include: parking violations (currently a total of 7,163 in our court system); liquor in public place (2,173); smoking violations (1,146); simple trespass (1,312); and criminal littering (282). In the first two community court sessions, over 100 cases of violations for 7 individuals were processed. This has saved the courts and law enforcement time and money.

The program is designed to decrease the backlog of pending, low-level, non-violent cases; allow offenders to clear their pending cases; provide court orders for counseling, treatment, and/or referral to homeless services, on a case-by-case basis; and provide consequences through community service instead of incarceration or fines.

This is a more humane way of addressing the issues of many in our houseless population. It can give hope to those who feel overwhelmed by their circumstances and promotes the Aloha Spirit that must be the guiding force in all decisions that we make.

This bill was gutted and replaced by the House version of the bill (HB 457 HD1) and deleted the provision that restricted the court from ordering imprisonment. We cannot continue incarcerating people for low level offenses. At the end of February, 51% of OCCC' s population consisted of pre-trial detainees. Sending poor people to jail has not been a successful strategy. **Community Alliance on Prisons respectfully asks that this provision be deleted.**

Mahalo for this opportunity to testify in support of more humane treatment of some of the most vulnerable members of our community.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 30, 2017 9:31 AM
To: FINTestimony
Cc: aurasaki@hawaiiantel.net
Subject: *Submitted testimony for SB718 on Mar 31, 2017 15:00PM*

SB718

Submitted on: 3/30/2017

Testimony for FIN on Mar 31, 2017 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 30, 2017 1:06 PM
To: FINTestimony
Cc: kit@lava.net
Subject: Submitted testimony for SB718 on Mar 31, 2017 15:00PM

SB718

Submitted on: 3/30/2017

Testimony for FIN on Mar 31, 2017 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kit Grant	Individual	Support	No

Comments: Aloha lawmakers, Thank you for hearing this bill, to bring Law Enforcement Assisted Diversion ("LEAD") to the State of Hawai'i. This program has had proven results to reduce the number of non-violent, low-level offenders caught up in the criminal justice system, and is worthy of funding. The funding is an investment in changing from the blunt instrument of arrest, jail and a criminal record to a more humane, service-centered response to people in our community often experiencing poverty, mental illness and/or homelessness. By investing our tax dollars in LEAD, a program which can help turn lives around instead of destroy them, we invest in our people, and the least among us. We reduce the costs associated with arrest, bail, courts and court supervision, and we increase the chances that people committing low level, non-violent offenses just to get by can choose to get help, change their lives. I also welcome LEAD's expectation that our police act to de-escalate and assess rather than escalate and arrest. Our community needs that. It's a rare opportunity for a small investment to have such an enormous return in humanity and fiscal savings. LEAD is a powerful tool, well worthy of investment by the taxpayers of Hawai'i. Please spend my taxes on LEAD! :) Thank you for reading my testimony, and considering my heartfelt support for funding this bill. Mahalo nui, Kit Grant

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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EXECUTIVE CHAMBERS
HONOLULU

LATE

DAVID Y. IGE
GOVERNOR

March 31, 2017

TO: The Honorable Representative Sylvia Luke, Chair
House Committee on Finance

FROM: Scott Morishige, MSW, Governor's Coordinator on Homelessness

SUBJECT: **SB 718 SD1 HD1 – RELATING TO THE COMMUNITY COURT OUTREACH
PROJECT**

Hearing: Friday, March 31, 2017, 3:00 p.m.
Conference Room 308, State Capitol

POSITION: The Governor's Coordinator on Homelessness supports this bill, as it aims to divert homeless individuals from the criminal justice system and connect them to shelter and other social services. The State's strategy to address homelessness includes identifying and connecting with other systems that serve as "touch points" for the homeless, such as the criminal justice system, and aligning outreach and other services as particular entry/exit points (e.g. District Court) to divert individuals to housing. The Coordinator defers to the Judiciary, Department of Prosecuting Attorney, Department of Public Safety, and the Office of the Public Defender regarding appropriations and operational issues.

PURPOSE: The purpose of the bill is to establish a community court outreach project in the City and County of Honolulu, subject to the availability of funds and memoranda of agreements from the Judiciary, Department of the Prosecuting Attorney, and the Office of the Public Defender. The bill also appropriates funds to support a community court outreach project.

The State has adopted a comprehensive framework to address homelessness, which includes a focus on three primary leverage points – affordable housing, health and human services, and public safety. All three of these leverage points must be addressed to continue forward momentum in addressing the complex issue of homelessness.

The community court outreach project addresses the public safety component of the homeless framework. Many homeless individuals with outstanding bench warrants for unpaid criminal citations can be a major barrier to obtaining housing. The community court outreach project will prevent individuals from encountering these barriers by targeting individuals cited or arrested for nonviolent offenses that often result in bench warrants, and connecting these individuals to shelter and other social services. By providing needed services as an alternative to arrest or citation, the community court outreach project will divert individuals from the criminal justice system and create pathways to permanent housing.

Thank you for the opportunity to testify on this bill.



LATE

The Judiciary, State of Hawai'i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair
Representative Ty Cullen, Vice Chair

Friday, March 31, 2017, 3:00 P.M.
State Capitol, Conference Room 308

by

Calvin C. Ching, Deputy Chief Court Administrator
District Court of the First Circuit

Bill No. and Title: Senate Bill No. 718, S.D. 2, H.D. 1, Relating to the Community Court Outreach Project.

Purpose: Establishes a community court outreach project in the City and County of Honolulu, subject to the availability of funds and memoranda of agreements from the Judiciary, Prosecuting Attorney, and the Public Defender. Appropriates funds.

Judiciary's Position:

The Judiciary supports Senate Bill No. 718, S.D. 2, H.D. 1.

The district court criminal calendars include numerous cases involving nonviolent offenders, many of whom face multiple life challenges, such as substance abuse, mental health issues and the inability to provide themselves and/or their families with basic needs of food and housing. In an effort to address some of these cases, the community court outreach project ("community outreach court") would allow the Judiciary to collaborate with the Office of the Prosecuting Attorney, the Department of the Public Defender and various community organizations to provide meaningful solutions to the problems facing these nonviolent offenders and to prevent recidivism.

In his State of the Judiciary Address on January 25, 2017, the Chief Justice commended Honolulu Prosecutor Keith Kaneshiro and state Public Defender Jack Tonaki for putting these ideas into action through a program called Community Outreach Courts. The Chief Justice further stated, "The ultimate goal is to send the court and a treatment team out into the



Senate Bill No. 718, S.D. 2, H. D. 1, Relating to the Community Court Outreach Project
House Committee on Finance
Friday, March 31, 2017, 3:00 P.M.
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community and offer these nonviolent offenders an opportunity to resolve pending cases, obtain needed services, and move forward in their lives.”

On January 26, 2017, the Judiciary, the Department of the Prosecuting Attorney and the Office of the Public Defender, successfully held the first session of this court in Honolulu District Court. Subsequently, the Community Outreach Court was held on February 23, 2017 and March 23, 2017 in Honolulu District Court. As of March 23, 2017, 19 defendants have appeared before the Community Outreach Court in Honolulu with a combined total of 164 traffic and 71 petty misdemeanor/misdemeanor criminal cases. Of these cases, 116 traffic and 38 petty misdemeanor/misdemeanor criminal cases have been adjudicated.

The Judiciary remains supportive of the program as it is currently being developed and implemented at the Honolulu District Court, using existing resources.

In order to implement the mobile Community Outreach Court, it is estimated that it would cost approximately \$182,000 annually for the projected staffing:

- a) one (1) new, full-time program coordinator (Program Specialist II) to plan, develop, implement, and coordinate this court’s operations and activities with the Department of the Prosecuting Attorney, the Office of the Public Defender and various community organizations;
- b) one (1) new, full-time court clerk position (District Court Clerk II) to record and execute the court’s orders and dispositions;
- c) one (1) new, full-time court bailiff position (Court Bailiff II) to manage the court’s calendar and court proceeding;
- d) one (1) new, full-time social worker (Social Worker III) assigned to the Judiciary’s community service sentencing program to screen and coordinate the multitude of community services for the defendants with various government and private sector agencies, and monitor and report on the defendants’ compliance; and
- e) associated computer and peripheral equipment, and office supplies dedicated for this court’s disposition and remote connectivity to JIMS.

In addition to the \$182,000 annual cost, one-time equipment costs needed to support the staffing and mobilization are estimated at approximately \$8,000. Therefore, the Judiciary would require approximately \$190,000 for the first year the bill provisions are implemented, and \$182,000 each year thereafter. The Judiciary respectfully requests that any appropriation to



Senate Bill No. 718, S.D. 2, H. D. 1, Relating to the Community Court Outreach Project
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implement the requirements of Senate Bill No.718, S.D. 2, H.D. 1 be in addition to its FY 2017-2019 Biennium Budget request.

This bill proposes to hold court sessions in non-traditional locations. However, court rules and procedures will still require that proceedings be recorded as the official court record and that a judgment of the court be given to the defendant. The safety and security of the court are imperative when holding court at locations which do not have all of the essential security measures in place found at the court buildings. To provide court security at the same level provided in Judiciary facilities, assistance from the Department of Public Safety will be required to ensure safety and security for the mobile Community Outreach Court. As such, the Judiciary respectfully requests that the appropriation for the Department of Public Safety be reinstated to provide the essential security measure for the Community Outreach Court.

Thank you for the opportunity to provide testimony on this measure.

**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on
Finance**

LATE

March 31, 2017

**S.B. No. 718 SD1 HD1: RELATING TO COMMUNITY COURT OUTREACH
PROJECT**

Chair Luke and Members of the Committees:

We strongly support S.B. No. 718 SD1 HD1 which would establish a community court outreach project in the city and county of Honolulu. Honolulu's homeless situation is well documented and has been highly publicized. Accompanying the explosion in the homeless population has been a tremendous increase in criminal offenses which target homeless persons. The courts have seen a major increase in offenses such as trespassing, littering, sitting or lying on public sidewalks, urinating or defecating in public, unlawful camping and liquor in public places.

The increase in these offenses has impacted the court system and the prosecuting attorneys and public defenders. Many of those cited are not able to come to court or choose not to attend court for fear that they will be incarcerated. These failures become a vicious cycle – persons are cited because they have no place to call home, they are not able to attend court hearings and a bench warrant is issued due to their non-appearance in court. They become more fearful of the system, hide out in parks and feel they are on constant run from the authorities.

Outstanding bench warrants can prevent people from obtaining state identification, renewing drivers' licenses, qualifying for employment and obtaining housing. In other words, the vicious cycle of homelessness is sometimes perpetuated by legal problems arising out of citations which penalize various acts which would not take place but for the very fact that a person is living on the streets.

The Community Court Outreach Project is a collaborative effort by the Honolulu Prosecutor, the Office of the Public Defender and the First Circuit Court to assist non-violent offenders in the community in taking care of their legal problems so that they can "start off with a clean slate" and become productive members of the community once again.

The idea is to take the court into the community via a mobile court to assist needy community members in resolving their legal problems. This would be in lieu of persons having to come to the courthouse which is sometimes impossible because of distance or immobility of the defendant. We are hoping that this outreach effort, in addition to other homeless initiatives which are being

implemented by the Legislature, the Governor's homeless coordinator and the City and County of Honolulu will result in a major alleviation of this very complex issue which currently plagues our state.

Despite not obtaining funding for the Community Court in the 2016 legislature, the collaborators on this project continued their earnest efforts to get the project off the ground using existing resources. As of the date of this hearing, the Honolulu Community Outreach Court has held two court sessions. Eight participants have appeared before the court and about 100 citations and bench warrants have been disposed of in these sessions. The participants have been enthusiastic about the court sessions and seemed to be grateful for the services that were offered to them. Certainly the potential of the Community Court can be gleaned from these inaugural court sessions.

We strongly support S.B. No. 718 SD1 HD1. Thank you for the opportunity to provide testimony in this matter.

LATE

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Date: Thursday, March 30, 2017 3:58:23 PM

SB718

Submitted on: 3/30/2017

Testimony for FIN on Mar 31, 2017 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Okeson	PHOCUSED	Support	No

Comments:

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SB718

Submitted on: 3/30/2017

Testimony for FIN on Mar 31, 2017 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Erika Vargas	Individual	Comments Only	No

Comments: I would like to encourage you to support SB718 SD1 HD1 for Community Outreach Mobile Courts that will coordinate with Project LEAD. It would decrease the bottle neck in the judicial system and get people access to treatment faster. Case managers can divert low risk offenders to treatment instead of jail by working with HPD. This would also be another way to bridge the gap between law enforcement and community agencies.

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