



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Health**

Representative John. M. Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair

and

**House Committee on Human Services and Homelessness**

Representative Joy A. San Buenaventura, Chair  
Representative Nadine K. Nakamura, Vice Chair

Thursday, March 14, 2019, 8:45 AM  
State Capitol, Conference Room 329

by

Rodney A. Maile  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 1494, S. D. 2, Relating to Health.

**Purpose:** Establishes a working group to evaluate current behavioral health care and related systems to promote effective integration of services and improve response and coordination of care for persons experiencing substance abuse, mental health conditions, and homelessness. Makes an appropriation. Effective 7/1/2050. (SD2)

**Judiciary's Position:**

The Judiciary supports Senate Bill No. 1464, S. D. 2, and is willing to participate as a member of the working group.

The Judiciary is invested in addressing the issues of substance abuse, mental health, and homelessness. The impact of these issues affect the clients that are served by the Judiciary. Evaluating and addressing system gaps and determining steps for effective behavioral health care would be beneficial in working with clients to effectuate change and lead prosocial lives.



Senate Bill No. 1494, S. D. 2, Relating to Health  
House Committee on Human Services and Homelessness  
March 14, 2019  
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The Judiciary has been involved in collaborative working relationships with some of our partner agencies to address these issues, however, the scope and scale of this working group would allow a wider perspective of making the system more cohesive and effective for the sake of those that are impacted by substance abuse, mental health and homelessness issues in our community.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
JUDICIARY**

**Thursday, March 14, 2019  
2:00 PM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 1464, SENATE DRAFT 2, PROPOSED HOUSE DRAFT 1  
RELATING TO PROPERTY FORFEITURE**

Senate Bill 1464, Senate Draft 2, proposed House Draft 1 proposes to: 1) Prohibit civil asset forfeiture by reason of the commission of a covered offense, to the extent of the property owner's interest, unless the covered offense is a felony for which the property owner has been convicted, 2) Prohibit the forfeiture of an animal prior to the disposition of criminal charges, and 3) Require the Attorney General to distribute one half of all forfeited property and the sale proceeds thereof to the Hawaii Law Enforcement Assisted Diversion Program, with the remaining half to be distributed to the State General Fund. **The Department of Land and Natural Resources (Department) opposes the proposed House Draft 1 and offers the following comments.**

Asset forfeiture is a powerful enforcement tool used by the Department and its Division of Conservation and Resources Enforcement (DOCARE). Forfeiture provides additional teeth to the regulations enforced by DOCARE and without it, the deterrent effect of enforcement will be diminished. A vast majority of the rules enforced by DOCARE are misdemeanor or lesser level offenses. Restricting civil asset forfeiture to felony offenses will effectively eliminate it from DOCARE's enforcement toolbox.

The Department takes no position on the remaining portion of the measure.

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

**LATE**

**ON THE FOLLOWING MEASURE:**

S.B. NO. 1464, S.D. 2, PROPOSED H.D. 1, RELATING TO JUDICIAL PROCEEDINGS.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Thursday, March 14, 2019

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Gary K. Senaga or Michael S. Vincent, Deputy Attorneys General

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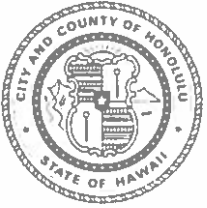
Chair Lee and Members of the Committee:

The Department of the Attorney General (“the Department”) provides the following comments on the proposed H.D. 1 of S.B. No. 1464. The bill proposes changes to the asset forfeiture program by requiring a felony conviction prior to the forfeiture of any property and changing the distribution of property and money from state and local governments and the Criminal Forfeiture Fund to the Hawaii law enforcement assisted diversion program and the state general fund. The bill, however, keeps intact the Department’s responsibilities for receiving forfeited property, selling or destroying the forfeited property, compromising or paying valid claims, and making other dispositions authorized by law.

The Department notes that the bill is unclear as to how or when the Department’s costs and expenses will be paid. These expenses were previously paid by funds deposited in the Criminal Forfeiture Fund.

In section 3 of the bill, section 712A-16(2), Hawaii Revised Statutes, is amended to provide that money and sale proceeds, “after payment of administrative expenses and sale” shall be distributed half to the Hawaii law enforcement assisted diversion program and half to the State general fund. The Department is concerned that the repeal of section 712A-16(2)(a) – (c) would gut the revolving Criminal Forfeiture Fund established under section 712A-16(4), which is used, among other things, for payments of expenses necessary to run the forfeiture program. The Department also notes that

article III, section 14, of the Hawaii State Constitution provides in relevant part that "Each law shall embrace but one subject, which shall be expressed in its title." Thus, a bill that addresses subjects outside its single subject title violates article III, section 14, of the Hawaii State Constitution. Here the subject expressed in the title of the bill is "judicial proceedings" but amendment of section 712A-16(2) pertains to the disposition of forfeited assets by the Attorney General that is not part of judicial proceeding. In order to avoid any potential legal challenges, the amendment to section 712A-16(2) should be deleted from this bill. Otherwise, we recommend that this measure be held. Thank you for the opportunity to testify.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 202  
HONOLULU, HAWAII 96813-3065  
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

**RON MENOR**  
*Council Chair Emeritus &  
Council Vice Chair  
District 9*

*Email: [rmenor@honolulu.gov](mailto:rmenor@honolulu.gov)  
Phone: 808-768-5009  
FAX: 808-768-5011*

**WRITTEN TESTIMONY ONLY**  
March 14, 2019

TESTIMONY OF  
COUNCIL CHAIR EMERITUS & VICE CHAIR RON MENOR  
COUNCIL DISTRICT 9  
CITY AND COUNTY OF HONOLULU

**Senate Bill 1464 SD2**  
**RELATING TO JUDICIAL PROCEEDINGS.**

Chair Lee, Vice Chair San Buenaventura and Members of the House Committee on Judiciary (JUD):

I am testifying in support of Senate Bill 1464 SD2. I am submitting this testimony not on behalf of the Honolulu City Council, but as an individual Councilmember.

Improvements are needed to the utilization of the Assisted Community Treatment (ACT) law that was approved by the Legislature in 2013. The intent of the law was to help individuals whose lives are so impacted by mental illness that they are unable to recognize their need for treatment. The lack of treatment for this segment of the population has resulted in high utilization of hospital emergency rooms, ambulance, police, fire, inpatient treatment, arrest and court time – all of which being very costly to the community at large.

Over five years, the ACT law was utilized to help only ten individuals. When the law was implemented, it was hoped that it would help many more people. With improvements in Senate Bill 1464 SD2, we are hopeful that these individuals will get the care that they deserve.

Mahalo for the opportunity to testify in support of this bill.

**LATE**

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

DWIGHT K. NADAMOTO  
ACTING PROSECUTING ATTORNEY

ACTING FIRST DEPUTY  
PROSECUTING ATTORNEY



**THE HONORABLE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawai`i**

February 13, 2019

**RE: S.B. 1464, S.D.2, PROPOSED H.D. 1; RELATING TO JUDICIAL PROCEEDINGS.**

Chair Lee, Vice-Chair San Buenaventura and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to S.B. 1464, S.D. 2, Proposed H.D. 1.

Essentially, this measure would prohibit civil asset forfeiture unless the State proves various matters “beyond a reasonable doubt” (a standard of proof often used in criminal law). While the bill appears to have good intentions, it conflates civil and criminal matters, indicating that people should never be penalized if their culpability is only proven by “preponderance of the evidence”; however, that standard of proof is commonly used in civil law to decide matters affecting only assets or property. Because criminal law potentially affects someone’s liberty (e.g. imprisonment, limitations on their freedoms, etc), the highest standard of “beyond a reasonable doubt” is utilized for criminal proceedings.

Rather than forcing such a far-reaching and premature overhaul of Hawaii’s well-conceived program, the Department urges the Legislature to consider the State Auditor’s recommendations, published June 2018 (available at [files.hawaii.gov/auditor/Reports/2018/18-09.pdf](http://files.hawaii.gov/auditor/Reports/2018/18-09.pdf)), which are currently in the process of being implemented.

Current forfeiture laws are used to immediately and effectively disrupt the infrastructure of criminal activity and protect the community. This is a civil legal process that operates independently from any related criminal cases, much like civil lawsuits and criminal charges proceed independently from each other in other circumstances. Via asset forfeiture, the manufacturing, packaging, distribution, and sale of illegal drugs can be immediately thwarted by seizing the materials, tools, equipment, cash, vehicles, and other items related to these

enterprises. The changes proposed by S.B. 1464, S.D. 2, Proposed H.D. 1, would significantly compromise law enforcement's ability to deter this illegal conduct, and in turn the safety of our neighborhoods, by conflating the relevant civil and criminal standards and proceedings and upending a generally well-conceived and well-established program.

Concerns about “innocent owners” being deprived of their property or “policing for profit” are unfounded. Hawaii's forfeiture laws provide for the protection of property owners' rights, and numerous safeguards are already codified in the statute. We are confident that property is being seized and forfeited fairly and equitably and the abuse present in other jurisdictions simply does not exist here.

Before any drastic changes, such as those proposed in S.B. 1464, S.D. 2, Proposed H.D. 1, are made to Hawaii's forfeiture laws, further discussion and review should take place, at a minimum, to study its impact on law enforcement and the safety of the public. In 2016, the Legislature considered a bill (S.B. 2149) to require that the Department of the Attorney General establish a working group to review and discuss Hawaii's forfeiture laws and make recommendations to improve these laws, including identifying any areas of concern or abuse. While we firmly believe that Hawaii's asset forfeiture program is generally well-conceived and well-operated, we understand that “nothing is perfect,” and are open to being part of a process to evaluate all areas of the program.

Also in 2016, the Legislature passed H.C.R. 4 (2016), requesting that the Hawaii State Auditor conduct a study of Hawaii's asset forfeiture program. After an in-depth study, the Auditor issued a report in June 2018, recommending that formal rules and procedures be promulgated by the Attorney General, to ensure uniform procedures for all parties and increased transparency for the public. Notably, the Auditor opined that the program's dismissal rates seem high—14% statewide—and the program may actually be overstating the reported seized property values (due to possibly double-counting refiled cases). In recent months, the Attorney General has circulated draft rules, which are currently being reviewed by stakeholders for further discussion and finalization, so a potential working group could also evaluate the implementation and efficacy of these rules.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes S.B. 1464, S.D. 2, Proposed H.D. 1. Thank for you the opportunity to testify on this matter.



Harry Kim  
Mayor



Paul K. Ferreira  
Police Chief

Kenneth Bugado Jr.  
Deputy Police Chief

## County of Hawai'i

### POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

March 13, 2019

Representative Chris Lee  
Chairperson and Committee Members  
Committee On Judiciary  
415 South Beretania Street, Room 325  
Honolulu, Hawai'i 96813

### RE: SENATE BILL 1464, SD2, PROPOSED HD1, RELATING TO FORFEITURE

Dear Representative Lee:

The Hawai'i Police Department **opposes Senate Bill 1464, SD2, Proposed HD1**, with its purpose to prohibit civil asset forfeiture by reason of the commission of a covered offense, to the extent of the property owner's interest, unless the covered offense is a felony for which the property owner has been convicted. Further, requires the Attorney General to distribute one half of all forfeited property and the sale proceeds thereof to the Hawaii law enforcement assisted diversion program, with the remaining half to be distributed to the state general fund.

Our concerns start from the onset of this proposed legislation with the opening sentence, "The legislature finds that civil asset forfeiture frequently leaves innocent citizens deprived of personal property without having ever been charged or convicted of any crime. This amounts to government sponsored theft." That preceding statement is devoid of any supporting evidence, in fact, there has been no presentation of facts supporting misuse/abuse of the Forfeiture program. Beyond that point, the forfeiture laws are used to ensure those items used to further criminal activity and/or the ill-gotten gains of such activity become items for seizure in accordance with prescribed civil procedures. These prescribed civil procedures are accompanied by attendant ownership rights of appeal and based on Just Cause.

The changes as proposed by this legislation would significantly compromise law enforcement's ability to combat those who profit from illegal activity through victimization of the community at large. Many of our forfeiture cases are the result of felony drug offenses and cater to those individuals who are involved in fatal traffic collisions, drug overdose deaths, as well as thefts, burglaries, robberies and other crimes in order to afford the purchase of illicit narcotics. Some of the forfeitures are items used to commit the actual robberies, burglaries and assaults on our Community.

It is for these reasons, we **vehemently urge this committee to not support this legislation.**

Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 1464, SD2, Proposed HD1.

Sincerely,

PAUL K. FERREIRA  
POLICE CHIEF



# PARTNERS IN CARE

Oahu's Continuum of Care

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*Our mission is to eliminate homelessness through open and inclusive participation and the coordination of integrated responses.*

## TESTIMONY IN SUPPORT OF SB 1464 SD2, RELATING TO JUDICIAL PROCEEDINGS

TO: Rep. Chris Lee, Chair, Rep. Joy San Buenaventura, Vice Chair, and members, House Judiciary Committee

FROM: Marya Grambs, member, Board of Directors, Partners in Care

Hearing: **Thursday 3/14/19; 2:00 pm, room 325**

Thank you for the opportunity to provide testimony **in support** of SB 1464 SD2. I am Marya Grambs, member, Board of Directors of Partners in Care, a planning, coordinating, and advocacy alliance that develops recommendations for programs and services for those experiencing homelessness on Oahu.

SB1464 SD2 rectified significant difficulties that have plagued attempts to obtain Assisted Community Treatment (ACT) orders – first, that community agencies and families do not have the legal resources need to file such petitions; second, the Office of Public Guardian, which can require psychiatric medication for its clients and/or can file ACT petitions, does not have sufficient staff to do so; and, finally, the Judiciary has been unable to be optimally responsive to these petitions because there has been no judge dedicated to hearing these cases. Because of these difficulties, only 10 individuals have been placed under ACT orders since the law was passed in 2013.

This bill is derived from two years of meetings by stakeholders, both public and private, to understand the barriers to successfully filing ACT petitions.

SB1464 SD2 will establish two Attorney General positions, a dedicated Family Court judge, and a social worker in the Office of Public Guardian who, when taken together, will enable community agencies and/or family members to be more successful in obtaining ACT orders.

This bill, in combination with other bills being presented to the legislature, will facilitate getting desperately needed treatment for the most vulnerable, severely mentally ill, chronically homeless individuals who are living lives of unimaginable distress and degradation. We believe they have a right to treatment, even though, because of their illness, they are unable to make an informed decision to get that treatment.

Please support this SB1464 SD2, and thank you for the opportunity to present this testimony.





## The Institute for Human Services

Ending the Cycle of Homelessness

To: The Honorable Representative Chris Lee, Chair on Judiciary  
The Honorable Representative Joy Buenaventura, Vice Chair on Judiciary

From: Kimo K. Carvalho, Director of Community Relations  
IHS, The Institute for Human Services, Inc.

**Subject: IHS Support for SB1464-SD2**

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Terrance Watanabe

Aloha House Committee Members,

The Institute for Human Services (IHS) has been at the forefront of multiple attempts to utilize the Assisted Community Treatment Law to assist current homeless individuals with severe mental illnesses who are unaware they are sick, and who continue to refuse treatment and decompensates on the streets year after year. After several failed attempts, we believe consolidation of the criteria, clarification and inclusion of clinical terminology will further advance our laws and provide us with the opportunity to help residents who struggle everyday with mental health diseases, but who has ever reason to be part of our local community.

IHS is grateful for the administration and legislature to propose funding resources toward this team that would facilitate the process for court ordered treatment. This allows homeless service providers like IHS to reallocate our legal, psychiatric and outreach resources toward services.

At the same time, IHS would like the legislature to know that our organization fully intends to support this team. Through our Adult Mental Health Division mental health outreach contracts, and through our homeless program's office outreach contracts - we will help coordinate ACT orders and continuation of care with this team to ensure proper stabilization, treatment and housing is obtained and maintained.

Mahalo for your support in passing SB1464-SD2.

Respectfully,

Kimo K. Carvalho  
Director of Community Relations  
IHS, The Institute for Human Services, Inc.





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

TO: Senate Committee on Judiciary  
FROM: Carl Bergquist, Executive Director  
HEARING DATE: March 13, 2019, 2PM  
RE: SB1464 SD2 HD1 PROPOSED, Relating to Judicial Proceedings, **SUPPORT**

Dear Chair Lee, Vice Chair San Buenaventura and Committee Members:

The Drug Policy Forum of Hawai'i (DPFH) **strongly supports** the *HD1 Proposed* version of this measure, which now reforms Hawaii's outdated civil asset forfeiture law. That law itself is a relic of the 1980s' War on Drugs, and [consigns Hawaii to the very bottom of a nationwide ranking of similar laws](#). In short, our forfeiture law allows for the use of an upside down civil process to seize people's assets after using the low "preponderance of the evidence" standard to establish a connection, but requiring no conviction or charge, to an alleged crime. Requiring a conviction related to the property seizure, as SB1464 does, brings a modicum of justice into the process. We applaud that the bill seemingly removes the profit incentive from the arresting and prosecuting agencies as the Department of the Attorney General, and instead redirects one half of sale proceeds to the state general fund. While we are strong supporters of Law Enforcement Assisted Diversion (LEAD), we are leery of funding, even in part, this important program with forfeiture proceeds. We also suggest a few amendments to the bill.

At the very latest, the revelations in the Auditor's Report "Audit of the Department of the Attorney General's Asset Forfeiture Program" (18-09) amply highlighted the degree to which forfeiture had been shrouded in a cloud of injustice & unaccountability.<sup>1</sup> There were no administrative rules, no policies or procedures and no responsible manager in place for a program that oversaw the seizure and sale of innocent people's assets. Orwellian is an apt term here. Further, **the guidance for property owners to recover**

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<sup>1</sup> <http://files.hawaii.gov/auditor/Overviews/2018/18-09AuditorSummary.pdf>

**property lost was completely insufficient.** For many people, even one day without a vehicle unjustly seized can mean the loss of a job with resulting devastation for a family. At this point, we must remind ourselves that *this program nominally exists to tackle crime and target drug kingpins.* The innocent here are not just collateral damage of a possibly unconstitutional policy, but of a dereliction of duty of their own highest law enforcement officer, the Department of the Attorney General.

DPFH was recently party to an amicus brief filed in the U.S. Supreme Court in a case involving forfeiture, [Timbs v. Indiana](#).<sup>2</sup> On February 20<sup>th</sup> of this year, the Court issued its ruling and ruled that the Excessive Fines Clause of the Eight Amendment of the US Constitution applies to the states. Writing for the Court, Justice Ginsburg held:

Exorbitant tolls undermine other constitutional liberties...’fines may be employed “in a measure out of accord with the penal goals of retribution and deterrence,” for “fines are a source of revenue,” while other forms of punishment “cost a State money.”<sup>3</sup>

At its core, *Timbs* involved a forfeiture case of vehicle worth far more than the crime at issue. In the amicus, we ensured that the Hawai’i Auditor’s report was referenced, as it amply showed how hard it is for someone to challenge something so excessive. The Audit highlighted that a whopping 85% of forfeiture cases were uncontested between 2006 and 2015.<sup>4</sup> One day the Court is likely to return to the broader issue of forfeiture laws like Indiana’s or Hawaii’s, and strike them down. If SB1464 is adopted by the Legislature, we may well have nipped that issue in the bud.

#### **SUGGESTED AMENDMENTS:**

- Introduction of a “beyond a reasonable doubt” standard of proof replacing the current “preponderance of the evidence” standard, see [SB1467 SD1](#) (Section 3);
- Termination of the use of administrative proceedings to handle forfeiture cases, replacing them with judicial proceedings, see [SB1467 SD1](#) (Section 7);

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<sup>2</sup> *Timbs v. Indiana*, Docket Nr 17-1091. See <https://www.scotusblog.com/case-files/cases/timbs-v-indiana/>.

<sup>3</sup> Id. Slip opinion at 6. [https://www.supremecourt.gov/opinions/18pdf/17-1091\\_5536.pdf](https://www.supremecourt.gov/opinions/18pdf/17-1091_5536.pdf).

<sup>4</sup> <http://www.drugpolicy.org/press-release/2018/09/dpa-files-amicus-brief-supreme-court-case-arguing-excessive-fines-clause>.

- Requiring that the State pay for the secure storage of seized assets, see [SB1467 SD1](#) (Section 5);
- Narrowing the list of covered offenses in HRS §712A-4 to felonies, exempting small amount drug possession, “promoting a dangerous drugs in the third degree” (§712-1243);
- Inserting a prohibition of Hawai’i law enforcement agencies participating in “[equitable sharing](#)” operations with federal law enforcement .Without such a prohibition, local police could circumvent the intent of this bill, be party to the deprivation of Hawai’i residents property without a charge or conviction and profit off such forfeitures. California and other states have successfully reigned in this practice, which has been expanded by the Trump Administration.<sup>5</sup>;
- Distributing all proceeds to the State General Fund. It is our hope that fewer forfeitures will be conducted as a result of this bill, and as such we would not want an important program like LEAD to be dependent on a unstable, shrinking revenue stream.

Mahalo for the opportunity to testify.

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<sup>5</sup> <https://harvardlawreview.org/2018/06/how-crime-pays-the-unconstitutionality-of-modern-civil-asset-forfeiture-as-a-tool-of-criminal-law-enforcement/>.

Hearing: **SB 1464, SD2 in support**  
 Date: March 14, 2019  
 Location: State Capitol, Room 325

LATE

Aloha Committee Chair, Vice-Chair, and Committee Members:

I am submitting testimony on behalf of HOPE Services Hawai'i, a nonprofit homelessness service provider, in support of SB 1464 SD2--a bill that, if passed, will immensely help us in our mission to end homelessness in Hawai'i. Before testifying in support of this bill, **I would like to comment on the proposed HD1 version, which strips the provision for dedicated positions to expedite Assisted Community Treatment (ACT) orders. Without sufficient manpower to process these cases, the individuals ACT is intended to serve will be neglected on the streets even longer, increasing the likelihood of them being harmed or harming others.** I ask that, should you wish to include the civil forfeiture provisions found in version HD1, that you **do not eliminate the vital provisions in version SD2.**

We are all familiar with the problems caused by combination of chronic homelessness and severe mental illness: individuals exhibiting psychotic and erratic behavior, poor hygiene, and creating makeshift homes in destitute and substandard conditions: in parks, on sidewalks, in storefronts, and in tent cities. These individuals are extremely high utilizers of public services such as ambulance, police, ER, inpatient treatment, crisis services, arrest, and adjudication, at great expense to both the government and their communities. They frequently do not understand that they are ill, and therefore refuse outreach attempts and treatment, leaving themselves at risk for further harm--both men and women are frequent victims of assault, and women are at an especially high risk of rape. Additionally, untreated psychosis and schizophrenia cause brain damage. Every day we allow someone suffering from these illnesses to live on the street marks a decrease in the likelihood that they will recover and be able to live as a healthy, high-functioning, adult.

Our neighbors who suffer from the afflictions enumerated above have a "right to treatment," and we the people of Hawai'i must take it as our responsibility to provide it to them. One avenue for this is the Assisted Community Treatment (ACT) law, which enables the Court to order individuals like these, who meet very specific criteria, to receive treatment in the community; a related mechanism is that of obtaining guardianship.

JOIN OUR COMMUNITY



HOPE SERVICES HAWAII, INC.  
 ADMINISTRATIVE  
 OFFICE  
 357 Waiuanue Avenue  
 Hilo, HI 96720  
 phone: (808) 935-3050  
 fax: (808) 935-3794

HALE MALUHIA  
 EMERGENCY SHELTER  
 110 Ululani Street  
 Hilo, HI 96720  
 phone: (808) 443-4717  
 fax: (808) 934-7456

KIHEI PUA  
 EMERGENCY SHELTER  
 115 Kapi'olani Street  
 Hilo, HI 96720  
 phone: (808) 933-6053  
 fax: (808) 934-0904

VETERAN HOUSING  
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 21 West Ohea Street  
 Hilo, HI 96720  
 phone: (808) 934-8658  
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 RESOURCE CENTER  
 74-5593 Pawai Place  
 Kailua-Kona, HI 96740  
 phone: (808) 933-6062  
 fax: (808) 329-6219

WEST HAWAII EMERGENCY  
 HOUSING PROGRAM  
 74-5593 Pawai Place  
 Kailua-Kona, HI 96740  
 phone: (808) 217-5560  
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Connect via email: [info@hopeserviceshawaii.org](mailto:info@hopeserviceshawaii.org)

HOPE Help Line: 808-935-3050

SB 1464 SD2 provides for a dedicated attorney general, a Family Court judge, and a staff position in the office of the public guardian. These positions are necessary to facilitate the issuances of ACT orders.


Since the law was passed in 2013, the lack of such positions has hindered the ability of social service organizations and family members to obtain such orders.

The passage of this bill benefits all of us. It will allow us to assist those who desperately need our help, but also will benefit many others, including: medical personnel, social service providers, police, and the court system, who will be able to free up their resources to meet other needs; business owners, who may worry less about these individuals driving away customers; parents, who will feel safer with their children being out in public; and finally our keiki, who will learn by example how we show aloha to those less fortunate than ourselves.

For these reasons, HOPE Services Hawai'i urges the passage of SB 1464 SD2.

Mahalo nui for your consideration.

Sincerely,

  
Brandee Menino,  
Chief Executive Officer

JOIN OUR COMMUNITY



**HOPE SERVICES HAWAII, INC.**  
**ADMINISTRATIVE OFFICE**  
357 Waiuanue Avenue  
Hilo, HI 96720  
phone: (808) 935-3050  
fax: (808) 935-3794

**HALE MALUHIA EMERGENCY SHELTER**  
110 Ululani Street  
Hilo, HI 96720  
phone: (808) 443-4717  
fax: (808) 934-7456

**KIHEI PUA EMERGENCY SHELTER**  
115 Kapi'olani Street  
Hilo, HI 96720  
phone: (808) 933-6053  
fax: (808) 934-0904

**VETERAN HOUSING PROGRAMS**  
21 West Ohea Street  
Hilo, HI 96720  
phone: (808) 934-8658  
fax: (808) 934-8658

**FRIENDLY PLACE RESOURCE CENTER**  
74-5593 Pawai Place  
Kailua-Kona, HI 96740  
phone: (808) 933-6062  
fax: (808) 329-6219

**WEST HAWAII EMERGENCY HOUSING PROGRAM**  
74-5593 Pawai Place  
Kailua-Kona, HI 96740  
phone: (808) 217-5560  
fax: (808) 327-2171

**BOARD OF DIRECTORS**  
President  
Anne Harpham

Interim Vice-President/  
Treasurer  
Charlene Iboshi

Secretary  
Rev. Robert Stark, SSS

Directors  
Carol R. Ignacio  
Gwen DeCoito  
Patrick Hurney  
Dean Au

**EXECUTIVE LEADERSHIP**  
Chief Executive Officer  
Brandee Menino

**SB-1464-SD-2**

Submitted on: 3/12/2019 9:34:59 PM

Testimony for JUD on 3/14/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CHU LAN SHUBERT-KWOCK	CHINATOWN BUSINESS & COMMUNITY ASSOCIATION	Support	No

Comments:

**SB-1464-SD-2**

Submitted on: 3/12/2019 3:01:45 PM

Testimony for JUD on 3/14/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Logue	Individual	Support	No

Comments: