



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Testimony of **James Koshiba**
Governor's Coordinator on Homelessness
Before the
House Committee on Health & Homelessness
February 3, 2023
9:30 a.m., Via Video Conference
Conference Room 329

In consideration of
House Bill No. 1404
RELATING TO THE COMMUNITY OUTREACH COURT PROJECT

Aloha Chair Belatti, Vice Chair Takenouchi, and Committee Members,

I am writing in strong support of HB1404 to ensure that persons experiencing homelessness or who have recently experienced homelessness have access to Community Outreach Court. I commend the legislature for establishing this program, and the judiciary for its efforts to reach those experiencing homelessness.

I have accompanied Community Outreach Court staff during outreach to multiple encampments, and have witnessed how the program benefits those who are unhoused. Many people who have lost their housing quickly accumulate citations, fines, and criminal records for nonviolent, misdemeanor offenses such as expired vehicle registrations, sitting or lying on sidewalks, or remaining in parks after hours. Fines and criminal history then become a barrier to employment and housing. For several individuals I know, old unpaid vehicle citations resulted in drivers license stoppers, which then deprived them of the ability to commute to work.

Community Outreach Court enables these individuals to clear these hurdles, and to do so in a place and manner that does not require them to travel long distances, or to leave their belongings behind for long durations. It is an essential service for those experiencing homelessness and I strongly support its expansion.

Mahalo,

James Koshiba
Governor's Coordinator on Homelessness



The Judiciary, State of Hawaii

Testimony to the Thirty-Second State Legislature, 2023 Regular Session

House Committee on Health & Homelessness

Representative Della Au Belatti, Chair

Representative Jenna Takenouchi, Vice Chair

Friday, February 03, 2023 at 9:30 a.m.

Conference Room 329 & Via Videoconference

by

Brook Mamizuka

Probation Administrator, First Circuit Court

Bill No. and Title: House Bill No. 1404, Relating To the Community Court Outreach Project

Purpose: Makes the community court outreach project permanent. Amends the project to address homeless defendants and expand the opportunities for eligible defendants to participate. Appropriates funds for additional personnel and enhanced security services.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 1404 as it will afford much needed resources, staffing, and funding. The Judiciary recognizes the ongoing need to address the growing houseless community and would like to expand the Community Outreach Court to include referrals from judges, probation officers, and court-appointed attorneys. This will allow the program to reach a larger number of the houseless individuals under the jurisdiction of the courts.

The Community Outreach Court was established in 2017 as a mobile justice system that travels to neighborhoods to resolve non-violent offenses, providing an alternative for individuals whose personal circumstances might preclude them from appearing for court in a traditional court setting. The goal of Community Outreach Court was to help non-violent offenders who face problems such as substance use disorders and mental health challenges obtain basic services and necessities, like food and shelter. Since its inception, 470 people have participated in the



Bill No. 1404 Relating to the Community Court Outreach Project.
Committee Health & Homelessness,
February 3, 2023
Page 2

program, 7,663 cases have been cleared, and 5,645 community service hours have been completed. As the number of persons and families experiencing houselessness continues to grow, the Judiciary would like to expand Community Outreach Court to serve them and the communities in which they currently live.

Currently, the Community Outreach Court program on Oahu is held three times per month. A program administrator and specialist oversee the program. However, there are no dedicated positions for court clerks, bailiffs, judicial clerks, all of whom are necessary to support the court sessions that are held in the community. Without an appropriation for these positions, expansion of the program will be limited.

This bill will appropriate out of the general revenue of the State of Hawai'i the sum of \$300,000 for fiscal year 2023-2024 for one (1) full-time court clerk position; one full time court bailiff; and two full time judicial clerk positions and associated costs for these positions to operate.

Community Outreach Court convenes in non-traditional settings, away from Judiciary facilities. In order to ensure the safety of the participants, family members, attorneys, the judge, court staff, and service providers, two (2) security guards check participants in and two (2) law enforcement officers are present throughout the hearings. At each hearing, the Judiciary expends \$440.00 for law enforcement services and \$270.93 for security guards, in total of \$710.93. The Judiciary's goal is to increase the number of hearings per week as the Community Outreach Court expands. This bill, therefore, seeks an appropriation of \$50,000 for security services for fiscal year 2023-2024.

The Judiciary respectfully requests a change in the mechanism for appropriating funds to the Community Court Outreach Program. Currently, the Judiciary's share of funding for the program is provided through an appropriation first made to the Office of the Public Defender, a portion of which is then transferred to the Judiciary. See section 10 of Senate Bill No. 354 and House Bill No. 300, the companion measures for the 2023 State Budget Bill. For improved fiscal efficiency, the Judiciary requests that this funding be provided to the Judiciary as a program appropriation for the First Judicial Circuit (program ID JUD310) in the Judiciary Appropriations Act of 2023 (House Bill No. 382 and Senate Bill No. 482).

The Judiciary respectfully requests that any funding provided to the Judiciary to administer the Community Court Outreach Project not supplant the Judiciary's existing funding and other current budget requests. To clarify, we do not want the funding to come out of the First Circuit's existing and other requested funding.

The sums appropriated shall be expended by the Judiciary for the purposes of this Act.



Bill No. 1404 Relating to the Community Court Outreach Project.
Committee Health & Homelessness,
February 3, 2023
Page 3

The Judiciary recognizes the challenges of the houseless communities and is working with non-profit community programs to address immediate needs (i.e., food, shelter, wound care) and long term solutions. Providing for expansion of the court, services and funding will ensure that the work continues.

Thank you for the opportunity to testify on House Bill No. 1404.

To: Committee on Health and Homelessness

Hearing Date/Time: Friday February 3, 2023 9:30 AM

Re: Testimony in Strong Support of HB 1404

From: Heather Lusk, Hawaii Health and Harm Reduction Center

Dear Chair Belatti, Vice Chair Takenouchi and members of the committee

The Hawaii Health & Harm Reduction Center (HHHRC) strongly supports HB 1404 which would make the Community Outreach Court (COC) permanent. The COC has been an incredible resource for our community and allowed people with charges that are petty, but building up and often make it harder for us to place people experiencing homelessness into housing.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

HHHRC has been a supporter of the COC since it first started with providing on-site case management and linkage for the participants. In late 2022, HHHRC started sponsoring the COC in our offices in Kakaako once a month and this continues into 2023. We have seen miracles happen with this court, and the chance to support those who are participating in getting much needed services.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

HB-1404

Submitted on: 2/1/2023 12:02:03 PM

Testimony for HLT on 2/3/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

We think this an excellent program and are glad to see it made permanent.



To: Committee on Health and Homelessness

Hearing Date/Time: Friday February 3, 2023 9:30 AM

Re: Testimony in Strong Support of HB 1404

From: Aaron Ruddick

Dear Chair Belatti, Vice Chair Takenouchi and members of the committee

I strongly support HB 1404 which would make the Community Outreach Court (COC) permanent. The COC has been an incredible resource for our community and allowed people with charges that are petty, but building up and often make it harder for us to place people experiencing homelessness into housing.

Thank you for the opportunity to testify.

Aaron Ruddick

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender, State of
Hawai‘i to the House Committee on Health & Homelessness**

February 3, 2023

H.B. No. 1404: RELATING TO THE COMMUNITY OUTREACH COURT
PROJECT

Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

The Office of the Public Defender (“OPD”) supports H.B. No. 1404 with comments.

H.B. No. 1404 seeks to make the Community Outreach Court (“COC”) project permanent, amends the project to address homeless defendants, and expands the opportunities for eligible defendants to participate. The bill also seeks to appropriate funds for additional personnel and enhanced security services.

COC should be made permanent

The OPD supports the portion of the bill which makes the COC permanent. The COC has been and continues to be a successful program in assisting nonviolent offenders who face problems such as homelessness and unemployment, obtaining basic services and necessities, like food and shelter, and to offer combined accountability and treatment options to offenders that would reduce crime and recidivism.

The COC started in January 2017 as a collaborative pilot project among the Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Prosecutor’s Office”), and the OPD after the Prosecutor’s Office received a grant for this project from the Center for Court Innovation. Although the Judiciary did not receive funding from this grant, it committed to participate in this project by utilizing existing resources, including designation of a COC judge. The 2017 Legislature passed Senate Bill No. 718, C. D. 1, to further develop Hawai‘i’s COC program. The bill was signed into law as Act 55, SLH 2017 by Governor David Ige on June 22, 2017 to take effect on July 1, 2017.

As envisioned, the mobile court travels to the communities where defendants are located and convenes court sessions in non-traditional court settings. The COC is structured to dispose of cases in which defendants, after negotiations between the prosecutor's office and the OPD, enter into plea agreements.

Since 2017, the COC continues to be successful in clearing cases and providing life-changing opportunities for its participants. Many participants have obtained driver's licenses, housing or shelter services, and employment. The Judiciary, the Prosecutor's Office, and the OPD have collaboratively made progress developing a mobile-COC and have continued to meet the common goal of working with people who want to restart and improve their lives in our community.

Codification of the procedures is not necessary

Although the OPD supports the bill, the OPD is opposed to the codification of the detailed policy and procedures for eligibility, admission, and supervision of participants as set forth in the bill. Rather than set forth rigid rules and procedures, the Legislature should allow the Judiciary, the Prosecutor's Office and the OPD to develop and establish an agreed upon procedure through a memorandum of agreement ("MOA"). Indeed, the COC has been functioning under an MOA since its inception.

Previous bills establishing specialty courts such as Drug Court, Veterans' Court, Women's Court, Girls' Court, and Mental Health Court, did not include a detailed procedure for admission and supervision. The details were left for the stakeholders (e.g., the Judiciary, the county prosecutor's office, and the OPD) to work together collaboratively, to develop and establish the process to admit and supervise the participants, and to have the final plan memorialized in an MOA. The specialty courts have been successful due to the shared and cooperative efforts of the stakeholders, and we believe, the success was partly due to allowing the stakeholders to define the terms of the projects.

Moreover, an MOA, as opposed to legislative mandates, will provide the COC program the necessary flexibility to adjust, modify, and improve the program without the need to have to go to the legislature to have the law changed.

Funding of the COC Project

Finally, if the bill is to pass in some form, the Committee should also reevaluate the current method of the distribution of funds for the COC project to the Judiciary and

to the prosecutor's office. Every two years, the most recent in 2021, the Legislature must include in the Executive biennium budget bill the following language:

INDIVIDUAL RIGHTS

SECTION 19. Provided that of the general fund appropriation for the office of the public defender (BUF151), the sum of \$126,364 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023 shall be transferred to the judiciary for the administration and operation of the community outreach court project.

SECTION 20. Provided that of the general fund appropriation for the office of the public defender (BUF151), the sum of \$165,404 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023 shall be transferred to the office of the prosecuting attorney of the city and county of Honolulu for the operation of the community outreach court project.

See, e.g., H.B. No. 200 H.D.1 S.D.1 C.D.1, page 60.

The OPD recommends that the bill should be amended so that the Judiciary and the Honolulu Prosecutor's Office receive the aforementioned funds directly from the state general fund rather through the OPD.

As stated previously, the COC has been and continues to be a successful project in assisting nonviolent offenders experiencing homelessness or who have recently experienced homelessness. There is no shortage of applicants, as there is currently a backlog in the screening process. The OPD understands that there is a high demand to provide services for the homeless. Legislators consistently hear complaints from their constituents that not enough is being done to address the homelessness situation in their neighborhoods. More should be done, but in order to expand the project, additional personnel and resources from the OPD and the Honolulu Prosecutor's Office will be required, but not through statutory change.

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

February 3, 2023

RE: H.B. 1404; RELATING TO COMMUNITY COURT OUTREACH PROJECT.

Chair Bellati, Vice-Chair Takenouchi and members of the House Committee on Health and Homelessness, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony regarding H.B. 1404, with comments.

First and foremost, the Department would like to thank the Legislature for supporting and passing Act 55 (2017), which created a permanent Community Court Outreach Project in the City and County of Honolulu. As the Committee is aware, this began as an independent, collaborative effort and unfunded pilot project between the Department, the Office of the Public Defenders and the Judiciary, which was later fortunate to secure a modest federal grant for start-up costs. We greatly appreciate the subsequent funding that the Legislature dedicated to this project as well.

One of the unique aspects of this project is that we have always touted that our three agencies work together like three legs of a chair, in that we move, adjust and evolve as one unit. With that said, the Department would note that—over the last few months—the three agencies have voluntarily had preliminary talks about potential changes to the project that would mean substantial changes to the project’s complexity and specific procedures. The Department believes that these potential changes will not alter the original mission of Community Outreach Court or the individuals that all three agencies aim to assist, but they will take concerted time and effort to discuss, plan, and implement internal policies and procedures, as we continue to transition out of the COVID pandemic.

H.B. 1404 proposes to codify the Community Outreach Court Project in a way that goes far beyond what other codified specialty courts have put into statute; in recent memory, enabling legislation for Women’s Court and Environmental Court simply outlined the most general concepts and/or procedures. The degree of specificity presented in H.B. 1404 is problematic, as the court over the years has had to make swift and necessary changes to procedures, in order to

adjust to this somewhat unpredictable target population, numerous COVID restrictions, and the integration of new technology. If H.B. 1404 were to pass, any changes that would need to be implemented, regardless of any agreement between the three agencies would have to go through the sometimes arduous path of being legislated and adopted into statute. To provide efficiency and flexibility, the Department believes that codification is not necessary at this juncture as all three agencies have still showed a willingness to engage in meaningful conversation.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu submits comments on H.B. 1404. Thank you for the opportunity to testify on this matter.

HB-1404

Submitted on: 2/2/2023 7:21:49 PM

Testimony for HLT on 2/3/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jo Ann Ochi	Individual	Comments	In Person

Comments:

How does this help the community get the homeless off the street if the homeless refuse the help. I think that there should be two choices. Get off the street and take the help or be locked up. We need to have our sidewalks back and to be living in a clean environment not filled with filth everywhere. So embarrassing to look at our parks, sidewalks and businesses occupied by homeless and all the abundance of their so called belongings which I call trash scattered like it's a dump yard.

Most of these homeless are drug addicts and their habit is making them commit crimes like shoplifting all the time.

I see it all the time when I am shopping.

Their addiction is what is the main reason they are homeless. Rehab or a mental institution is where they need to go to. They cannot function in society and need the help to be a contributing member of society not a constant burden and depleting our taxes to help them over and over. We cannot even have our parks and sidewalks repaired probably because all our taxes are used for homeless clean ups. That is really not fair to the residents of areas populated with homeless.

Tough love is what is necessary. They cannot have a choice for help. They need to take it or be locked away.

This is my testimony!