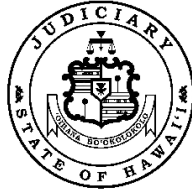


**HB1638**

**HD2**



*The Judiciary, State of Hawaii*

**Testimony to the Senate Committee on Judiciary and Labor**

The Honorable Clayton Hee, Chair

The Honorable Maile S.L. Shimabukuro, Vice Chair

Tuesday, March 18, 2014 10:05 a.m.

State Capitol, Conference Room 016

By

W. Tom Mick

Policy and Planning Department Head

---

**Bill No. and Title:** House Bill No. 1638, H.D. 2, Relating to the Judiciary.

**Purpose:** To provide supplemental operating and capital improvement appropriations for FY 2015.

**Judiciary's Position:**

The Judiciary strongly urges your support of House Bill No. 1638, H.D. 2, which reflects the Judiciary's resource requirements for FY 2015.

The Judiciary recognizes that the economy and overall economic outlook for Hawai'i have improved relative to the last two fiscal biennia. However, as you know and we understand, in keeping with the biennium budget concept, supplemental budget resources will be requested largely to address unforeseen developments, inadvertent oversights, and other special circumstances which might cause hardship on those we serve. In addition, we are quite mindful of the many competing demands for the limited resources available. Accordingly, the Judiciary has tried to be very prudent in its supplemental budget request and focus on only its most pressing needs relative to the clients and public it serves, as well as to its own operations and staff. To that end, the Judiciary is requesting 18 new permanent positions and additional funding of \$4.8 million for FY 2015.

The Judiciary is extremely grateful to the House Finance Committee for providing eight permanent positions and general fund monies totaling about \$2.3 million for our supplemental



budget requests related to salary adjustments for the justices, judges, and Administrative Director and Deputy Administrative Director of the Courts; purchase of service contracts, Project HOPE, mental health programs, JAVS recording equipment, Westlaw subscriptions, and cashier positions in the First Circuit; guardian ad-litem/legal counsel costs in the Second Circuit; special duty officers and bailiffs in the Third Circuit; interview recording equipment for the Children's Justice Center; and training funds for the Judiciary. We are also very appreciative of the three temporary positions and related general fund monies of \$141K provided for other requests related to a court interpreter position in First Circuit, an IT Specialist in Third Circuit, and an Office of Public Guardian position in Administration although we do have a very minor concern that having temporary rather than permanent positions may ultimately affect recruitment and retention for these positions. The Judiciary is also thankful for the almost \$800K in Computer System Special Fund monies for First Circuit computer replacement and a multipoint control unit used for video conferencing in Administration, although we note that this may require some re-prioritizing of planned expenditures from this account and may be somewhat dependent on revenues received and the availability of funds within this special fund.

The Judiciary is also very appreciative of the additional \$1 million provided by the House Finance Committee to pay for its accrued vacation payouts when people leave Judiciary employment, and for another \$700K to cover shortages in current expenses such as electricity, repair and maintenance, etc. (although this \$700K appears to be offset by deletion of 18 vacant positions and related funding discussed in more detail below). The Judiciary also appreciates the House Finance Committee providing two permanent Juvenile Detention Home nurses costing \$164K and a one-time allotment of \$12K for a First Circuit Family Court Mediator Pilot Program (a mediator for about one-half day each week), although we do feel that the unfunded mediator position requested for Family Court would be much more beneficial especially considering that the pilot program has been running for a while and has already proved successful.

However, the Judiciary is very concerned that 18 permanent position counts and related funding totaling about \$700K were eliminated by House Bill 1638, HD 2. From what we understand, these 18 position counts were related to those vacant positions (eight permanent, three budgeted temporary, and seven unbudgeted temporary) with the lowest priority shown on our January 31, 2014 prioritized vacancy listing provided the Senate Ways and Means and House Finance Committees on February 7, 2014. **It should be noted that:**

- (1) **These 18 positions and related funding were eliminated from Administration (Program JUD 601) rather than the First Circuit (JUD 310) where the vacancies were located.** If 18 permanent position counts need to be eliminated from Administration to comply with this, even though the designated positions are not in Administration, it will require a reduction-in-force



(i.e., a RIF) of people in permanent positions as Administration does not currently have 18 vacant positions.

- (2) **The \$700K in funding deleted appears to be related to the last salary paid to persons having occupied these now vacant positions (which totaled \$694K), not the \$397K budgeted for these positions.** Otherwise, we can see no relation between the number of positions deleted and the \$700K funding cut.
- (3) **Ten of these positions are temporary for which there are no permanent position counts** so it would seem difficult, at best, to eliminate these positions from the Judiciary's permanent position count. **Further, seven of these ten positions are unbudgeted** (i.e., unfunded) temporary positions so there are no budgeted amounts that relates to these positions, as can be seen in our BJ tables, and that can be used as a basis for a budget cut. Further, one of these unbudgeted temporary positions (#500462) is a federally funded position.
- (4) **AND MOST IMPORTANT, since the time the vacancy listing was submitted to the legislative committees, 11 of the positions have been filled and if not restored, would cause the Judiciary to have to take action to remove the individuals filling the positions from employment.** These include seven permanent positions (#500220, #15369, #57221, #14465, #14463, #14573, and #23007) budgeted at \$221,971 (\$206,664 last salary paid), one budgeted temporary position (#500287) budgeted at \$47,279 (\$42,132 last salary paid), and three unbudgeted temporary positions (#500547, #500158, and #500159) budgeted at \$0 (\$158,662 last salary paid). The remaining permanent position (# 27894), a Judicial Clerk II position in First Circuit, was just vacated on January 7, 2014 and is expected to be filled by March 21, 2014 (budgeted at \$31,161; \$31,212 last salary paid). The two remaining budgeted temporary Social Worker IV positions (#500014 and #500657) were also just vacated in early January 2014 and are expected to be filled in early April 2014 (budgeted at \$97,048; \$105,120 last salary paid). The four remaining temporary positions, for which the last salary paid was \$149,952, are all unbudgeted and can be deleted, but if so, no corresponding position counts nor funding should be deleted since they are not permanent positions and do not have any budgeted salaries associated with them.

Seven new permanent positions and three temporary positions requested were not funded. These positions include a Family Court Mediator, two cashiering positions, and three Project HOPE positions in First Circuit; a legal documents clerk in the Second Circuit; and a Capital Improvement Program (CIP) Specialist, a Judicial Education Specialist, and an IT Specialist in Administration. Without a Family Court mediator position (other than for one-half a day per week with the pilot program), parties will not have available an on-site alternative to costly and time-consuming litigation, nor have a neutral place and process to explore and resolve pending



issues and settle cases. Lack of funding for two of the four cashiering positions requested impacts Circuit Court and District Court in that they will have to continue to operate shorthanded due to the loss of these positions to Family Court in Kapolei. And not funding the three temporary Project HOPE positions leaves operations status quo without any way to lessen the workload for probation officers associated with this program and an inability to even consider expanding the program. The lack of the requested legal documents clerk means that the Documents Support Section in the Second Circuit is likely to continue to have a backlog and incur overtime and storage costs totaling some \$48K annually.

In Administration, no additional CIP Specialist means that there will be only two people in the CIP Office to help initiate, manage, monitor, coordinate, and oversee CIP related activities at some 40 Judiciary buildings/office spaces on six islands statewide. This position is especially important and needed as we continue forward with building the new Kona Judiciary Complex which will require much of one CIP person's time, and to help with the 19 projects totaling \$53 million that were provided during the last three legislative sessions and the additional six projects and \$8.2 million (not including the Kona Judiciary Complex) being requested this session. Without an additional Education Specialist, the Judiciary will not be able to adequately keep up with the job training needs of the Judges and staff. The Judges and staff must be informed and regularly trained for things such as implementation of new laws, cultural and bias awareness, language access, use of technology in our courthouses, probation officer training for dealing with adult and juvenile offenders, etc. As a part of the Judiciary's 20/20 Strategic Vision Planning, 80% of the Judiciary's statewide employees responded and ranked training as their number one priority and area of concern. In order to provide quality court and court-related services, we must provide training regularly for Judiciary employees and judges, and an additional Education Specialist is an important cog in that process. The lack of an additional IT position means that there will be delays in handling IT related problems and in keeping up with and applying IT type knowledge to various applications such as internet/intranet, cloud, mainframe work, and system support.

One other specific request not funded by House Bill 1638, HD 2 related to leasing space in Kapolei for 81 employees in the Juvenile Client Services Branch of the Family Court to move from Honolulu. The lack of funding to lease space in Kapolei means that First Circuit will not be able to: (1) improve communication and coordination among Family Court divisions since they will still be separated and not be in geographical proximity of each other as hoped, (2) eliminate the unproductive/lost travel time between Honolulu and Kapolei, (3) have workers be more productive and efficient and spend more quality time with juveniles and their families, (4) reduce travel stress and fatigue and thereby improve morale and performance, and (5) free up second floor space in Ka'ahumanu Hale (the Circuit Court Building in Honolulu) for additional courtrooms and related offices.



House Bill No. 1638, H.D. 2, Relating to the Judiciary  
Senate Committee on Judiciary and Labor  
Tuesday, March 18, 2014  
Page 5

Relative to the CIP budget included in House Bill 1638, HD 2, the Judiciary is very appreciative of the \$8.2 million provided for six CIP projects on O‘ahu and Maui, and for the additional \$31 million in construction funding for our new Judiciary Complex in Kona. This \$31 million is in addition to the \$9 million generously provided by the Legislature last year, and together total \$40 million of the \$90 million requested for construction leaving the Judiciary some \$50 million short of the needed amount. Land issues have been resolved with the selection of the Queen Liliuokalani Trust site property for this complex, and the Judiciary is moving forward with the design process now that the land issues have been settled. However, if the additional \$50 million needed for construction is not provided in FY 2015 or in the first year of the next biennium, FY 2016, then the Judiciary will not be able to go out for bid and award a construction contract; the funds already allocated for construction will have been for naught; any possible construction will be significantly delayed; and costs for the project will likely escalate. Further, the residents of Kona will continue to have to cope with holding court proceedings being conducted in three separate locations in buildings not designed for court operations, and that will continue to have safety, security, and efficiency issues.

The proposed supplemental budget request is the Judiciary’s best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill 1638, HD 2, which is the Judiciary’s supplemental budget request, and that you strongly consider restoring the 18 “vacant” positions and related funding of \$700K that were eliminated from the Judiciary’s budget base, as well as restoring positions and the funding for our other supplemental budget requests that were not funded. The Judiciary also respectfully requests restoration of CIP funding to the full \$81 million requested for FY 2015 for the Kona Judiciary Complex.

We hope that the information provided today will assist your committee in its deliberations relating to this bill. Thank you for your consideration and the opportunity to testify on this measure.

**TESTIMONY**

Senate Committee on Judiciary and Labor  
Hearing: Tuesday, March 18, 2014 @ 10:00 a.m.

TO: Chair Clayton Hee, Vice Chair Maile Shimabukuro and  
Members of the Senate Judiciary and Labor Committee

FROM: Calvin E. Young  
President, Hawaii State Bar Association

RE: HB1638, HD2 Relating to the Judiciary

Chair Hee, Vice Chair Shimabukuro and Committee Members, as the President of the Hawaii State Bar Association, I am submitting comments in **STRONG SUPPORT** of Section 3 of HB1638, HD2, specifically item 1 on page 3 "Kona Judiciary Complex, Hawaii". The total funding request for this critically important project is \$90 million. The current appropriation level in House Draft 2 is \$40 million.

While this court complex is to be physically situated in Kona, this facility will serve the needs of all of the residents of the Big Island. And in the larger scheme, since State court facilities on all islands should be viewed as one cohesive network, this facility would increase the availability of access to justice for all of Hawaii's people.

The residential and visitor population of West Hawaii has grown and will continue to grow. Kona has been patient as the Legislature has generously approved funding requests in recent years for Kauai, Hilo, and most recently Kapolei.

The current Kona court campus consists of a number of small detached buildings which were not originally designed as court facilities. In fact, the office and chamber of Administrative Judge Ronald Ibarra is located in walking distance of the hospital wing where he was born. The Self Help Center established for self-represented litigants serviced by HSBA volunteer attorneys is a desk located in a former morgue facility. Opposing parties, oftentimes involved in emotional Family Court proceedings, are confined to one small facility. Security and safety are major concerns since criminal defendants, court staff, lawyers, witnesses and jurors are likewise confined to a small area.

The facility envisioned for the Kona site selected will meet current judicial needs and future projected judicial needs of West Hawaii, Hawaii County and the State as a whole.

The Board of the Hawaii State Bar Association stands united in its unwavering **SUPPORT** of the Judiciary's top priority funding request for the proposed Kona Judiciary Complex. Thank you for the opportunity to submit these observations and comments.

**OFFICERS**

Calvin E. Young, President  
Gregory K. Markham, President-Elect  
Jodi Kimura Yi, Vice-President  
Ronette M. Kawakami, Secretary  
Mark M. Murakami, Treasurer

**DIRECTORS**

Nadine Y. Ando  
Russ S. Awakuni  
Cecelia C.Y. Chang  
Steven J.T. Chow  
Rebecca A. Copeland  
Vladimir Devens  
Rhonda L. Griswold  
Geraldine N. Hasegawa (East Hawaii)  
Karin I. Holma  
Carol S. Kitaoka (West Hawaii)  
Derek R. Kobayashi  
Mei-Fei Kuo  
Laurel K.S. Loo (Kauai)  
Timothy P. McNulty (Maui)  
Stephanie A. Rezens

**YLD PRESIDENT**

Malcolm L. Barcarse, Jr.

**IMMEDIATE PAST PRESIDENT**

Craig P. Wagnild

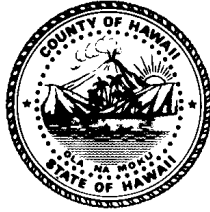
**HSBA/ABA DELEGATE**

James A. Kawachika

**EXECUTIVE DIRECTOR**

Patricia Mau-Shimizu

**William P. Kenoi**  
*Mayor*



**Walter K.M. Lau**  
*Managing Director*

**Randall M. Kurohara**  
*Deputy Managing Director*

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
KONA: 74-5044 Ane Keohokalole Hwy., Bldg. C • Kailua-Kona, Hawai'i 96740  
(808) 323-4444 • Fax (808) 323-4440

March 18, 2014

The Honorable Clayton Hee, Chair  
and Members of the Senate Committee on  
Judiciary and Labor  
Hawai'i State Capitol  
415 South Beretania Street, 016  
Honolulu, Hawai'i 96813

Re: House Bill 1638, HD 2 RELATING TO THE JUDICIARY

Aloha, Chair Hee and Committee Members:

Mahalo for the opportunity to express our strong support HB1638, HD 2, which includes funding for the Kona Judiciary Complex. The \$90 million appropriation for design and construction is a priority for Chief Justice Mark Recktenwald as well as our citizens. This courthouse is needed to better serve not only our residents in West Hawai'i, but citizens and attorneys throughout our island and State.

West Hawai'i has never had a single, centralized courthouse. Currently the District Courtroom and Circuit Courtroom are in the Old Kona Hospital in the Keakealani Building, while Judge Ronald Ibarra's courtroom is in the former Al's Farm & Garden location on Halekii Street in Kealakekua. Family Court facilities are located in the Lender's Document Service Building in Kailua-Kona.

We all recognize the importance of adequate judicial facilities to provide needed security, appropriate decorum, and most importantly access to justice for all of our citizens. A centralized courthouse in Kona is needed for safety, and to ensure the timely and dignified adjudication of cases.

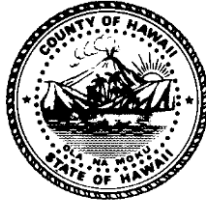
Mahalo for your consideration.

Aloha,

**William P. Kenoi**  
MAYOR



William P. Kenoi  
Mayor



Lincoln S.T. Ashida  
Corporation Counsel

Katherine A. Garson  
Assistant Corporation  
Counsel

**COUNTY OF HAWAII**  
**OFFICE OF THE CORPORATION COUNSEL**

Hilo Lagoon Centre, Suite 325 • 101 Aupuni Street • Hilo, Hawaii 96720 • (808) 961-8251 • Fax (808) 961-8622  
E-mail: [corp-counsel@co.hawaii.hi.us](mailto:corp-counsel@co.hawaii.hi.us)

March 16, 2014

**TESTIMONY IN SUPPORT OF H.B. 1638, H.D. 2 – RELATING TO THE  
JUDICIARY**

TO: HONORABLE CLAYTON HEE, CHAIR  
HONORABLE MAILE S. L. SHIMABUKURO, VICE CHAIR  
and Members of the Senate Committee on Judiciary and Labor

FROM: LINCOLN S. T. ASHIDA  
Corporation Counsel  
County of Hawai'i

Thank you for accepting this testimony in **STRONG SUPPORT** of H.B. 1638, H.D. 2, specifically the provision related to the funding of the Kona Judiciary Complex. We support the Judiciary's request for restoration of the \$81 million necessary in CIP funding for the Kona courthouse.

In the Public Administration course I teach at the University of Hawai'i at Hilo, we discuss the importance of good government being the product of all three branches of our government thriving. Like all judges, Third Circuit Court Administrative Judge Ronald Ibarra demands appropriate decorum in his Court, and often speaks of the importance of a decent courtroom as the gateway for access to justice for our citizens.

We have the present opportunity via H.B. 1638, H.D. 2 to finally bring to Kona a court complex that is needed and our State can be proud of. The present facilities, although well intended, are simply inadequate. The rights of parties are compromised since they cannot meet privately with their attorney. Security is a concern for parties, witnesses, lawyers, judges, court staff, and the public. There is inadequate parking for the public. Having all of the courts spread out throughout Kona is not efficient—attorneys often have to rush (drive) from court to court in order to make their hearings and represent their clients.

The Big Island community is unified in their need for this new Kona Judiciary Complex. Please help us make this happen by furthering Chief Justice Mark Recktenwald's vision of bringing this needed facility to our Kona district. This facility will not only benefit Kona citizens and lawyers, but all of our citizens statewide who seek access to justice in West Hawai'i.



March 17, 2014

TESTIMONY TO SENATE COMMITTEE ON JUDICIARY AND LABOR  
HEARING: WEDNESDAY, MARCH 5, 2014 AT 2:00 P.M.

TO: Honorable Chairman Clayton Hee, Vice Chair Maile S. L. Shimabukuro  
and Members of the Senate Committee on Judiciary and Labor

FROM: Robert D. S. Kim  
President, West Hawaii Bar Association ("WHBA")

RE: H.B. 1638, HD 2 – RELATING TO THE JUDICIARY  
SPECIFICALLY THE KONA JUDICIARY COMPLEX FUNDING

The WHBA is supporting continued funding for the Kona Judiciary Complex included in H. B. 1638, HD 2. The Judiciary had originally sought \$81 million for the construction of the facility. The House Finance Committee had funded at total of \$40 million, being \$1 million for design and \$39 million for construction. We thank Chairwoman Luke and the House Finance Committee for their support of this important project. The Kona Judiciary Complex has been the number one (1) CIP priority for the Judiciary.

In further support of the project I am attaching a Petition with 230 signatures, which includes attorneys from both East and West Hawaii. The Kona Judiciary Center will serve all of the attorneys and citizens on the Island of Hawaii.

There is a critical need to consolidate the courts and support services in West Hawaii. This project is currently the number one priority on the Judiciary's CIP list. Currently, the District and Circuit Court of the Third Circuit Court, Kona Division, located in Kealahou, Hawaii is located along side the State Department of Health facilities in a multi-purpose building known as the Keakealani Building that was built in 1939, and is dilapidated, and overcrowded.

There is also a Circuit Court for the Big Island Drug Court (BIDC) located blocks away that is leased. The Family Court is miles away and is also leased. The Keakealani Building was originally the old Kona Hospital and was built by the Public Works Administration almost 70 years ago under President Franklin Roosevelt.

There are four (4) courts located in West Hawaii, at three (3) different locations. None of these "court facilities" were originally designed for court use. A Memorandum Of Understanding has been signed between the Judiciary and the land owners Queen Liliokalani Trust.

The State is currently paying high costs for maintaining the current court facilities. The current lease agreements are as follows:

- Lenders Document Building 12/1/12 – 11/30/13 (renewed annually)
- 81-940 Haleki'i St (Kona Div 3, Drug Crt Client) 9/1/12 – 8/1/17
- Driver Education (Kealakekua Business Plaza) 3/1/09- 4/15/14
- Kona Circuit Court storage (renewed annually)

**Lender's Document Building** (77-6399 Nalani St., Kailua-Kona, HI)

We lease the 2nd and 3rd floor. The 2nd floor is for Family Court & operations staff that support Family Court (i.e. legal docs) and Juvenile Client Services. The 3rd floor is for Adult Probation Services.

The total monthly lease amount is \$17,969.41, janitorial services included (215,632.92 per year).

**Circuit Court Division 3/Drug Court** (81-940 Haleki'i St., Kealakekua, HI)

This space is for Circuit Court Division 3 (Judge Ibarra's court) and Drug Court Probation.

The total monthly lease amount is \$9,658.27 (\$115,899.24 per year).

In addition to the lease amount, Judiciary pays for contract janitorial services at this location in the amount of \$1,249.92 per month (\$14,999.04 per year)

**Driver Education** (Kealakekua Business Plaza)

This space is for Driver Ed staff and classes (for DUI classes, Driver Improvement classes, etc) .

The total monthly lease amount is \$5,862 (\$70,344 per year).

**Circuit Court Storage**

This space is for off-site storage of files because we do not have enough space at the Keakealani Bldg.

The total monthly lease amount is \$2,243.22 (\$26,918.64 per year).

**Kona Courier Services**

\$361.46 per month

(Once consolidated to a new bldg, this will end. We will still have to pay for intra-island courier between Hilo and Kona, but that is not included in this amount shown.....)

Total monthly – \$37,244.28, total annually –\$ 448,131.36

**KEAKELANI BUILDING (Old Kona Hospital) Located in Kealakekua, about ten (1) miles from the main hub of Kailua-Kona**



**Current Building Utilization**

- Serving the western portion of the Island of Hawai'i in the Third Circuit, the Kona Circuit Court Division 4 and District Court occupy the Old Kona Hospital.
- Originally built in 1939, this facility was renovated in 1984 for Judiciary operations.
- This facility is 13,461 SF of court and administrative offices, and shares space with the Department of Health.
- The facility is owned by the State and maintained by DAGS.
- The facility houses one Circuit Court and one District Court and their respective support offices, including Judiciary Administrative offices.

## Functional Space Adequacy

- This facility is cramped and overcrowded.



- The only "Jury Assembly area" to use is the outside courtyard, which is shared by the public, defendants, attorneys, and parties to cases.
- The Sheriff's Office has 10 positions that were originally assigned to Kona, with 1 secretary. Recently, 2 of those 10 positions were reassigned by the Sheriff's Division to South Kohala. 2 of the 10 positions are vacant. This information, however, should be verified with DPS/Sheriffs Division. There are currently 6 positions assigned to Kona (1 Sergeant, 3 deputies and 2 emergency hires).
- Access by detainees from the holding cells to the courtroom requires transportation of detainees up and down a flight of stairs.



- The facility was designed as a hospital so circulation throughout the building is awkward.
- This facility is not ADA compliant.
- There are no expansion opportunities on this site.

## Public Accommodations and Accessibility

- The public accommodations in and around the building are extremely inadequate.
- There is insufficient parking, including an insufficient number of handicap stalls. Often the public must park in areas not designated for Judiciary parking such as at the hospital, or parking in non-designated parking areas on the side of the road.



- Additionally, there is no designated waiting area for the public. There is a courtyard in between the Circuit Court and District Courts, where the public gathers prior to going into the courtrooms.
- A new jury room was constructed in 2011, which included a paved and covered lanai area. This has helped to provide some public accommodations.
- Sheriffs must walk prisoners through the public courtyard area to get to and from the courtrooms, which compromises security.
- There is no building directory, and no public information booth.
- There is accessibility to individuals with disabilities; however, it is inadequate. The Keakealani Building is old and has about 35 steps from the bottom parking lot to the main building entrance. The only wheelchair access is from the two (2) stalls on the

Department of Health side of the building and the two (2) stalls in the back next to a dialysis center, which are all usually full.

- The air conditioning is old (from the 1980s) and in disrepair, resulting in frequent (almost weekly) outages and service calls. Due to the age of the AC unit, DAGS has had difficulty with repairs. Due to the costs for a new system, DAGS has been unable to replace the system. This AC issue has resulted extremely warm conditions in often extremely crowded courtrooms.

### **Building Security**

- Security features in place include a centralized public entrance with security screening, restriction of public access to offices, limited building alarms/emergency annunciation, and surveillance cameras.
- Non-segregated circulation for prisoners is a security concern because the custodies are moved throughout the building in the same halls as the public and employees.



- The courtyard area is open and only a chain-link fence surrounds it for security purposes. It can be easily scaled during the night by perpetrators who can hide weapons until the next court day.
- Only the District Court offices have building security alarms and emergency annunciation; the rest of the building does not.
- There are (2) two holding cells, each with a suggested capacity of four (4) people. However, the sheriffs have said this is inadequate, and that they have had to put more than four (4) people in a cell at a time, at times upwards of 20 individuals, which poses a number of safety and security concerns.

## **Circuit Court Division 3/Drug Court – Haleki'i Street - located about 2 miles from the Keakealani Bldg in Kealakekua**



### **Current Building Utilization**

- This is a privately owned facility that we lease for \$9,658.27 per month
- Houses Circuit Court Division 3 courtroom, judicial and clerical staff as well as Drug Court Probation staff. We have approximately 11 staff at this building with no room for expansion.
- Circuit Court Division 3 handles felony cases, civil cases involving amounts between \$10,000 and \$25,000 and jury trials. HOPE probation and Drug Court cases are also handled in this court.
- Drug Court Probation supervises and oversees Drug Court probationers
- 10 parking stalls for the public and staff

### **Public Accommodations and Accessibility/Security**

- There is only security screening for the court side of the building. The probation office has a separate entrance with no security screening.
- The space is inadequate for Circuit Court functions. There is no jury assembly area, so jury sign in is done outside. The jury room is shared as a lunchroom for the court staff





## Driver Education – Kealakekua Business Plaza



### Current Building Utilization

- This is a privately owned facility leased by the Judiciary for **\$5,862 per month** for 2180 sq ft.
- The classroom housed in this facility is used for DUI/OVUII courses, a Zero Tolerance and Prohibitions Involving Minors Course, a Defensive Driving Course, a Child Passenger Restraint Course and a Driver Improvement class (for excessive speeders, reckless drivers, etc)
- There are 2 staff at this location

**Lender's Building** — located on the corner of Nalani Street and Mamalahoa Hwy in Kailua-Kona (approx. 7 miles up a 2 lane highway from the Keakealani Bldg)



### **Current Building Utilization**

- This is a privately owned facility where we lease the 2<sup>nd</sup> and 3<sup>rd</sup> floors for \$17,969.41 per month. There are other government agencies as well as private businesses on the 1<sup>st</sup> floor.
- Houses Family Court and Juvenile Client Services Branch on the 2<sup>nd</sup> floor and Adult Probation Intake and Supervision Units on the 3<sup>rd</sup> floor. We have approximately 25 staff at this building.
- We have occupied the space for about 24 years and recently had to expand into additional office for the Probation Division on the 3<sup>rd</sup> floor due to overcrowding and safety issues.
- The building was originally constructed as residential in 1982.
- The Family Court hears legal matters involving children. These include delinquency, dependency, adoption, detention, divorce, etc. Family Court also hears civil commitment, guardianships of adults, and adult abuse cases. The Family Court in each circuit handles both juvenile and adult matters which come under its jurisdiction.
- The Juvenile Client Services Branch (Juvenile Intake Crisis Unit and Juvenile Supervision Unit) monitors and supervises juveniles who have been adjudicated by the court for law violations and status offenses.
- The Adult Client Services Branch provides pre-sentence investigation reports to the courts and supervises adult offenders, including HOPE cases.
- Officers in Juvenile Client Services and Adult Probation each have individual offices but there is no room for expansion.

### **Space Observations**

- The interview room and conference room are used for storage and both are filled to capacity.
- There are no holding cells and, sometimes, detainees are held in the general public waiting area.
- Public accommodations are inadequate. On busy days, the court waiting area becomes overcrowded.
- The third floor is not accessible to the physically disabled.

### **Functional Space Adequacy**

- The interview room and conference room are used for storage areas and both are filled to capacity.
- There are no holding cells at the Kona Family Court and therefore, the interview room is generally used for custodies. If this room is in use, the custodies are held in the general waiting area.

### **Public Accommodations and Accessibility**

- The limited public accommodations are inadequate. On heavy calendar days, the waiting area for Family Court is insufficient due to lack of space. Custodies are moved and held in the same public area, adding to the already crowded environment.
- The public waiting area for both the Juvenile and Adult Client Services Branch are in the hallway.
- The third floor is not accessible to the physically disabled.



As a practicing attorney, I know firsthand that there exists a severe parking shortage whereby designated parking stalls are provided for the general public and staff to share. This building has eight-six (86) parking stalls, and at least sixty-one (61) are utilized by staff members and state vehicles, leaving a mere twenty-five (25) stalls for public use. The public has to park illegally every day. Jurors are unable to find parking during jury selection. Prosecutors are unable to find parking to get into court.

The BIDC has less than 10 public parking stalls. When jury trials are held, forty or more jurors are summoned at a given time. This creates a severe parking

shortage, that adversely affects prospective jurors, witnesses, attorneys, and persons summoned to court for proceedings, thereby creating tremendous frustration and anxiety.

The Keakealani Building Court facilities include two (2) holding cells for all in-custody criminal defendants, which are small rooms with bars. These holding cells are substandard, covered with graffiti, and filled with offensive odors.

These approximately ten-foot by ten-foot cells have housed, on occasion, over twenty inmates in one (1) cell, which is cruel, inhumane, and a deprivation of the constitutional rights of the inmates. Currently, inmates are shackled on their legs and hands when transported by corrections officers to the courtrooms. In order to reach the courtrooms, the inmates are forced to walk up a steep staircase, of approximately twenty or more steps with shackles. At least one (1) inmate has tripped and fallen from the top of the stairs to the bottom causing severe injuries.

At both the Keakealani Building and BIDC, there are no adequate facilities for attorneys to meet with criminal defendants. Counsel are forced to discuss confidential issues with their clients either in the cells with the other inmates, or in the presence of corrections officers. There is a very small room at the Keakealani Building that has been designated for attorneys and clients, however, it is substandard. It has no air-conditioning, and is subject to the availability of court sheriffs whose presence is required for private conversations.

The Family Court is currently located approximately eight miles away from the Circuit and District Courts, in a small and inadequate space and is understaffed and unable to adequately handle the tremendous caseload of family court matters. Due to the physical limitations of the Family Court building, there is only one (1) Family Court Judge for the West Hawaii area. The nearest family court facility is located in Waimea, Hawaii which is 49.48 miles away.

The extreme caseload and severe scheduling problems are adversely affecting divorce litigants, who must wait on average 65 to 90 days for a hearing on motions. There is also a lack of security for juvenile defendants and families. Security is stretched to its limits because the sheriffs must provide protection for various locations. In all other judiciary facilities the various courts are housed in a single location, and there is generally a single entrance. In such settings the sheriffs can provide security for the facilities with the manpower provided.

With the development of the Kona Judiciary Complex the following objectives can be met.

- **Centralize Judiciary operations in West Hawaii to one location, rather than being spread out in four separate locations as we are now**
- **Provide courtrooms utilizing modern courtroom design to incorporate space adequacy, including appropriate security measures**
- **Provide technologically advanced court audiovisual systems to allow improved videoconferencing capabilities and court recording systems**
- **Provide security for the Judiciary staff, the public and custodies awaiting court appearances by incorporating appropriate design criteria to provide high, medium and low security areas in the facility**
- **Incorporate state of the art security systems to monitor court operations including movement of and security of custodies**
- **Provide temporary holding areas for custodies who are going to and from court**
- **Have a facility that is actually planned and constructed for court use**
- **Provide for future growth**
- **Populations and caseloads are projected to increase**
- **Caseloads in Kona are expected to increase substantially**

The current problems facing the West Hawaii court system in the Third Circuit are already at critical levels, and require immediate redress. On behalf of the attorneys, judges and the public, your support is in dire need. Please support the Kona Judiciary Complex by enacting H. B. 1638, HD 2, and the funding of the Kona Judiciary Complex. Thank you.

Robert D. S. Kim  
President  
West Hawaii Bar Association

Enclosure (Petition)

# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
NEAL TANAKA		74-5037 WAPA NUI ST KKH1 <sup>96740</sup>	MUCH NEEDED	3/13/14
XAVIA LINDSEY		73-1138 Ala Kapua St.		3/13/14
HEATHER METTHER		73-1705 KALOKO DR.		3/13/14
Erin Takine		P.O. Box 3542 <sup>96745</sup>		3/13/14
Jan Achary		POB 2531 K-K ALUWIS	yes! all in one spot!	3/17/14
Ledette Fisher		" "		3/17/14
Alysa Jeremiah		75-110 KANUHO ST KF96740		3/13/14
Mike Patrikis		76-9174 KUMU PI		3-15-14
Nancy Gilceland		73 1363 Melemele St	yes	3-13-14
Susan Tanaka		74-5037 WAPA NUI ST HI96740		3/13/14
Craig Long		P.O. Box 3343, KK 96745		3/13/14

# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.



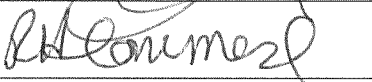



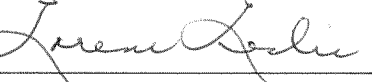


Printed Name	Signature	Address	Comment	Date
Gary W Umcil		25-167 F Hualalai Rd Kailua-Kona, HI 96740	Funding !! Please !!	3/14/14
Vanessa R Puua		PO Box 476 Honolulu HI 96726		3/14/14
Leon C. Hamilton		PO Box 3025 Kailua-Kona, HI 96745		3/14/14
MARK VAN PERNIS		Kailua Kona, HI 96740 75-167 F Hualalai Rd	Need is way past due and critical	3/14/14
April K. Wong		74-402 Naulu Place Kailua-Kona HI 96740	Need Immediately	3/14/14
Eva Yamashita		76652 Aluu St. Kailua Kona HI 96740	" "	3/14/14
Diane Doi		P.O. Box 903 Kailua-Kona HI 96745		3-14-14
Mitchelle Kam		75-6117 Kadnee Place Kailua-Kona HI 96740		3-14-2014
Wendy Mitchell		P.O. Box 392 Hualaog, HI. 96725	Funding Please; it is LONG overdue!!	03/14/2014
Richard L. Lawyer		68-1866 Ua-Nae Street Waikoloa, HI 96738	" "	3/14/14
Leah A. Mccrimmon		P.O. Box 1903 Kailua Kona HI 96749	" "	3/14/14





# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

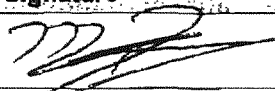

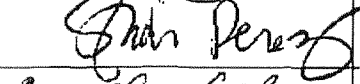
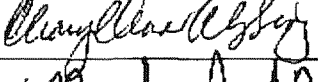
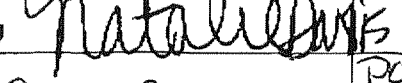


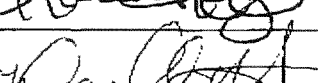
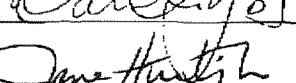
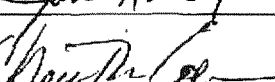

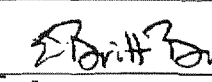
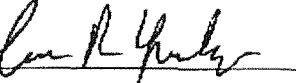
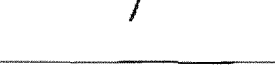
<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Shawn Suzuki		Box 1491 Kealahou	Yes! please!	3/16/14
Mary Command		87-6145 Hamakua P.	Captain Yes!	3/16/14
Bobby Command		" " " "	Needed	3/16/14
Myrna Nakamoto		P.O. Box 296 Capt. Cook, HI	"	3/16/14
Tammy Leslie		P.O. Box 44 Capt. Cook, HI		3/16/14
Robert Leslie		P.O. Box 638 Capt Cook HI	Yes, Needed	3/16/14
Lorene Leslie		P.O. Box 638 Capt Cook	She need it!	3/16/14
Susan Lim		P.O. Box 1913 Kealahou 96750	Yes!	3/16/14
MARIANNE THACKER		Wai'anae Trail PO Box 1023 Kealahou 96750	Parking!	3/16/14

# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX



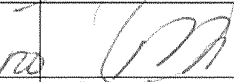


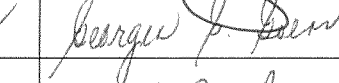

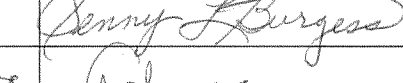

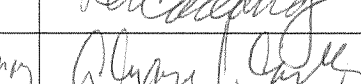
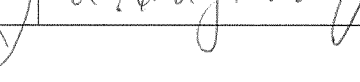
<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
LINDA WALTON		Kailua Kona, HI 96740 76-6257 KOKO OLUA PT		3/4/14
MICHAEL H. SCHLUETER		75-657 LALII PLACE KAILUA KONA, HI 96740		3/5/14
Dale Ross		PO Box 49600 Kailua-Kona, HI 96745		3/5/14
Sheri Lawson		P.O. Box 905 Kealahou HI 96745		3/5/14
Justin Haspe		73-1229 Melomelo St. Kailua-Kona, HI 96740		3/5/14
Jeff Burleson		P.O. Box 2224 Kealahou, HI 96750		3/5/14
TEENA FURUKA-LILLY		77-232 Maliko St Kailua-Kona, HI 96740		3-5-14
KIMBERLY TANIYAMA		PO BOX 1284 KEALAHOU HI 96750	Ⓢ improved security & improved access for disabled individuals	3.5.14
Karen Jackson		81-930 HALEHI ST Kealahou HI 96750		3/5/14
Carol Kasten		P.O. Box 2107 Kealahou, HI 96750		3/6/14
Janna Lambert		75-385 Malone St Kailua-Kona HI 96740	safety improvements & disabled access provided + cost savings in long run	3/6/14

Printed Name	Signature	Address	Comment	Date
MATTHEW PEQUEENAT		P.O. Box 308 Kealahoukua, HI 96750		3/6/14
Evelyn Miyase		P.O. Box 345 Holualoa, HI 96725		3/6/14
SADIE PEREZ		P.O. Box 1735 Kealahoukua, 96750		3/6/14
CAROL ANN SINE		7a Box 1034 Kailua-Kona, HI 96745	Cost effective have overcome under same roof, Hawaii safety would need to be a priority !!!	3/6/14
Natalie Davis		PO Box 822 Kailua-Kona, HI	Please	3/6/14
ANGIE BOWMAN		PO BOX 763 Kealahoukua, HI 96750	Efficiency, productivity, cost effective, logical, necessary!!!	3-6-14
Beasley K. MAI		75-285 NANI KAILUA DR Kailua Kona HI	LONG OVERDUE!	3/6/2014
Karen Rose		8201 HAWAIIAN PI Captain Cook 96704		3-6-14
Danielle Yamamoto		PO BOX 437257 Kamuela, HI 96743		3/6/14
Jane Huntington		POB 390977 Kealahou HI 96739		
Cherith Cohn		POB 39831 Kealahou 96739		3/6/14
Myrhaia Tai		95-240 Nani Kailua Dr K. Kona HI 96740		3/6/14
Elizabeth Britt Bach		PO Box 958, 62-1209 Puehia St., Kamuela, HI 96743	please! This complex is much much needed	3/6/14
Uma Yoshikige		PO Box 73 Kealahoukua HI 96750		3/7/14

## Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX


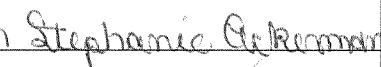
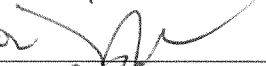

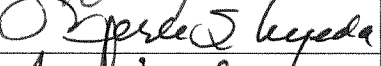
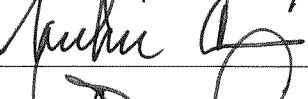

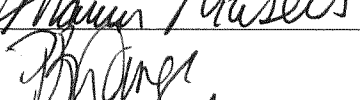

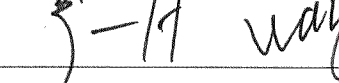
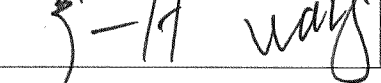
<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Mary Whalen		PO Box 1339 Kealahou		3/6/14
Sam Carlos		Box 675 K. K. HI 96745		3/6/14
Tanny Capimero		BOX 1970 KAMOLE 96743		3-6-14
Wallace H. Nakamoto		PO BOX 265 Kealahou		3/8/14
Bill Mizus		PO Box 4809 KK 96745		3/8/14
GEORGIA GOEAS		P.O. Box 1131 Kealahou 96750		3/8/14
Pamela Camello		75-6081 Alii Dr Kulu/CA 96740		3/8/14
Penny Burgess		P.O. Box 114 Captain Cook, HI <sup>96704</sup>		3/8/14
Elvora M. Oloná		PO Box 936 Kealahou HI <sup>96750</sup>		3/8/14
Linda Cadang		POB 996, CA 96104		3/8/14
Alexander Cadang		POB 996, CA 96104		3/8/14



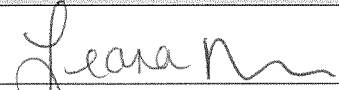
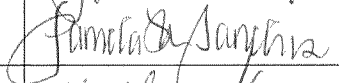


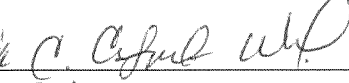
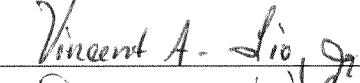
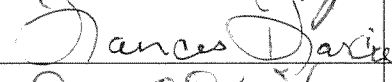

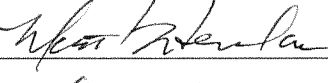


# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Shana-Ann Fujimoto		73-5618 Maiou St. B201 Kailua-Kona, HI 96740		03/04/14
Stephanie Ackerman		P.O. Box 1564, Keal, HI 96750		3/4/14
MILILANI Van Ossa		77-6473 Seaview Circle Kailua HI 96740		3/4/14
Geraldine Hasegawa		40 Makakai Place Hilo 96720		3/4/2014
Merle T Uyeda		79-7218 St. Paul Rd Keal. 96750		3/5/2014
VAL Corcoran		PO Box 4 Kealahou HI 96750		3/5/2014
Kari Swangel		81-950 N. Kihapili, Keal.		3.5.14
Marcia Masters		PO Box 243 Naelehi 96772		3/5/14
Pamela Wang		PO Box 1714 Kealahou 96750		3/5/14
Gina Lovell		82-766 Kanakani St CC		3/5/14
Sue WANG		POB. 1714 Kealahou 96750		3/5/14

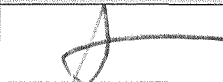
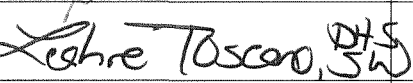


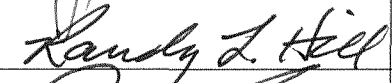


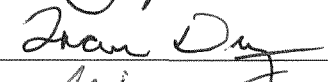



# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Leana Medeiros		PO BOX 2209 Kealahou 96760	Overdue on courthouse!	03/04/14
Pamela Sanchis		PO BOX 175, Capt. Cook HI 96744		3/4/14
Michael Sanchis		PO BOX 175, Capt. Cook HI 96744		3/4/14
Cherise Baker		Capt. Cook.		3-4-14
Cheryl Castaneda-Walsh		76-6268 Plumaria Rd R.K. 96741		3.4.14
Vincent A. Tio, Jr.		77-363 Mele Place		3-4-14
Frances Garcia		Po Box 1644 Keat. HI		3-4-14
Mark Kuivenen		75-5706 Kealahou 96740		3-4-14
MATTHEW M. HENDERSON		P.O. Box 1522 Kealahou 96741		3-4-14
John L. Olson		192516 Hibbard Kealahou		3/4/14
SHAWN LATIMER		68-1752 Hoohe St. Waikoloa HI 96738		3/4/14

# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Susan Kimi		82-1075 KIHUKE RD. CAPTAIN COOK, HI 96704	Kona needs this - it will benefit the <sup>entire</sup> community	3/4/14
Lehre Toscano		73-4257 HULIKOHA DR. #C KAILUA-KONA, HI 96740	Central location for court is positive!!!	3/4/14
Kelae Lee		73-1043 KULUWALOHAN CIR. KAILUA-KONA, HI 96740	New court house is greatly needed!	3/4/14
Abigail Tatsuke		73-1088 KAIMIHANI DRIVE KAILUA-KONA, HI 96740	facilities are antiquated	3/4/14
RANDY LITILL		75-5786 ELENA PL. KAILUA-KONA, HI 96740	WE HAVE NEEDED ONE FACILITY FOR YEARS!	3/4/14
Jennifer Heimgartner		75-6082 Kipehi Pl. Kailua-Kona, HI 96740	For safety reasons, please support us!!	3/4/14
Joan Jackson		7-1534 HAWAII BELT RD KAILUA-KONA HI 96740	Greatly needed	3/4/14
Fran Dunitz		72-1523 LEIAMI MAKAJ CAPT COOK, HI 96704	Needed	3/4/14
Rhonda Happy		P.O. Box 5281 Kailua Kona, HI 96745	needed	3/4/14
Nolan Chock		PO Box 848 Kailua-Kona, HI 96745		3/4/14
John Powell		77-6399 Nalani St. #101 K-K 96740	20 years overdue	3/4/14









# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
TEGAN WILSON		KAILUA KONA, HI 96740		
Robin Fisher		Kailua Kona 76-206 Royal Poinciana Dr	A court house is long overdue.	3/12/14
Donald Fisher		76-206 Royal Poinciana	my father in law <sup>yes</sup> has been asking 25	3/12/14
Allyson Niven		72-1017 Puukala St		3/12/14
Jon Hales		75-362 NANI KAILUA DR	THE EXISTING BLDG. IS WASTING ENERGY INEFFICIENT!	3/12/14
Malia Hayes		75-362 Nani Kailua Dr. Kailua, Kona HI 96740	The courtyard is uncomfortable for jurors.	3/12/14
ROSEMARY BARECH		76-1012 MAMALAHOTA HOZUALOA, HI 96725	THIS IS A NEED	3/14/14
RICHARD BARISCI		"	<del>BEING SOLICITED BY</del> OUR POPULATION HAS (REPEATED) NEED OF THIS	3/14/14







# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX



Petition Summary and Background	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
Action Requested to:	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
ANDREW KENNEDY		81-948 Waena Dr, Kona Loop, Ste 46 Kailua-Kona HI, 96750		3/4/14
Wendy DeWeese		Same as above		3/4/14
Catherine Gibson		Same as above		3/4/14
Sandra Enos		<del>Same</del> Same as above		3-4-14
Sharon Matsuyama		Same as above		3-04-14
R. Hermann Heimyslar		Same as above		3/4/14
Laurie Westrich		72-4004 Mamalahou Hwy Kailua-Kona HI 96740		3/4/14
PETER BRESCHI		PO BOX 1486 Kaplan, HI 96701		3/4/14









We need a new Court House Now, Not 10 yrs down the road!!  
 Don't wait for an Incident to happen, built Now!!

## Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
CAMERON MATTHEW		P.O. Box 2043 <sup>KEALAKEKUA</sup> HI 96750	WE NEED A NEW COURT HOUSE	3/6/14
Joseph Andrew		P.O. Box 373 <sup>Pohoa</sup> HI 96778	We need a better secure facility	3/6/14
Dennis Martin		64-5293 Hoohea St. Kona HI	Bring it on :)	3-6-14
Dawn Henry		PO Box 2373, Kealahou	increase safety	3-6-14
JONATHAN DAY		P.O. Box 5630 <sup>Kailua Kona</sup> HI 96745		3-6-14
Ellem Batista		P.O. Box 194 <sup>Panama</sup> HI 96776	Definitely needs a new Court house	3-6-14

\* Currently Custodys are walked to the other public areas to use of public restrooms  
 Very unsafe condition exist @ the old Court house bldg in Kealahou.  
 \* unsafe conditions are exposed to the general public and the staff!!! \*



# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX


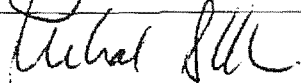


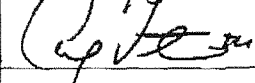

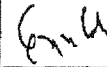
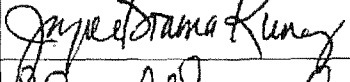
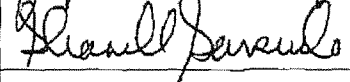

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Ronald L. Thiel	<i>Ronald L. Thiel</i>	HONOKEA, HI 96727 45-3438 Mamane ST.	Much needed	3-12-14
Barbara L. Franklin	<i>Barbara L. Franklin</i>	PO Box 9 Honokea, HI 96727	Can't miss upgrading	3-12-14
Jeanne Mc Keller	<i>Jeanne Mc Keller</i>	HONOKEA, HI PO Box 1398 96727	Much needed	3-12-14
Terri Novak	<i>Terri Novak</i>	P.O. BOX 952 HONOKEA, HI 96727		3-12-14
Cheri Zallo	<i>Cheri Zallo</i>	P.O. BOX 551715 Kapaew, HI 96755	Closes to Kapaew	3-12-14
Jennifer Davis	<i>Jennifer Davis</i>	PO Box 711336 Mt. View HI 96771		3-13-14
JOAN M	<i>Joan M</i>	PO BOX 426 Paauhoo, HI 96776		3/14/14
Jack Zimmerman	<i>Jack Zimmerman</i>	PO Box 1868 Honokea HI 96727	Much needed!	3/14/14

HAWAII STATE LEGISLATURE  
 OFFICE OF THE CLERK  
 2014 HAWAII STATE LEGISLATURE  
 HOUSE OF REPRESENTATIVES  
 100 W. BERTHOUD AVENUE  
 HONOLULU, HI 96813  
 TEL: 808-586-2000 FAX: 808-586-2001  
 WWW.HAWAIILEGISLATURE.HI.GOV

## Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
CHRIS SCALUETER		1939 KAJIWEI ROAD, UNIT B HILO, HAWAII 96720		3-10-14
Michael Udnie		485 KUKUANI ST HILO HI 96720		3-10-14
Jennifer Ng		1285 Malawatha St Hilo HI 96720		3-10-14
Molly Stebbins		Po Box 1492 Hilo, HI 96721		3/10/14
Clifford Victorine		PO BOX 7197 Hilo HI 96720		3/10/14
Melody PARKER	Melody Parker	123 Pe'e Pe'e WAY Hilo, HI. 96720		3/10/14
LINCOLN ASHIDA		210 KUIKANI ST., HILO, HI.	STRONG SUPPORT	3-10-14
Emarie Carvalho		PO Box 1401, Kona, HI 96749		3-10-14
Joyce Diana Kuniyoshi		2158 Kaunana Dr. Hilo		3-10-14
Shanell Sarsuelo		Bx 7029 Hilo		3/10/14
Jennifer Kwaiii		78 Kaulikeost Hilo		3-10-14



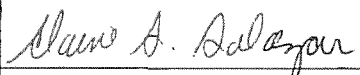




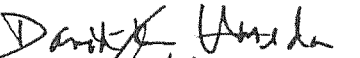








# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Elaine S. Salazar		78 East Kahaouea St <sup>H160</sup> HI 96720	Traffic is terrible, so a central location would help.	march 10, 2014
Wade A. Park		P.O. Box 471 <sup>Volcano</sup> 96785		3/10/14
Ixiie Kaetsu		712 Kawalele Pl., Hilo HI	Long overdue!	3/10/14
Tuilani Morse		PO Box 247 Hilo, HI 96720		3/10/14
Wade Kameshivo		495A Kupulan Rd. Hilo, HI 96720		3/10/14
DAVID K. UREDA		PO Box 279 MT VIEW, HI 96771	Long overdue & WE NEED MORE PARKING!!!	3/10/14
SANDRA SONG		10 Kamehameha Ave Hilo, HI 96720		3/11/2014
Diana Van De La		10 Kamehameha Ave Hilo, HI 96720	The people of Kona need this badly.	3-10-14

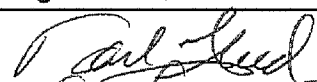
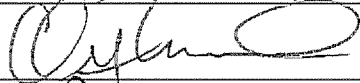
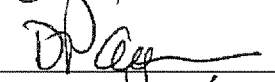

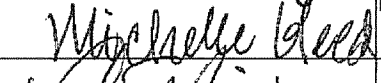
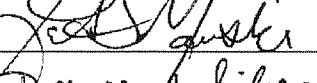
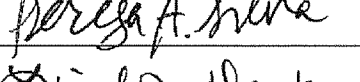
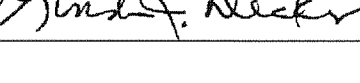






## Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
DARL C. GLEED		P.O. BOX 759, KAILUA-KONA, HI 96745	I am an attorney in Kona and see this project as extremely needed.	3/05/2014
CLAYTON R. LEONARD		P.O. Box 759, Kailua-Kona, HI 96745	Much needed!	3/05/2014
DONNA V. PAYESKO		PO Box 759, Kailua-Kona HI	Security, distance and consolidation - much needed!	3/05/2014
IVANA BODEY		PO Box 4056, KAILUA-KONA, HI 96745		3/05/2014
MICHELLE GLEED		P.O. BOX 759, KAILUA-KONA, HI 96745		3/05/2014
LORI ZAVISKI		75-626 N. Mea Lanakila Pl. Kailua-Kona, HI 96740		3/05/2014
TERESA SILVA		73-4435 Palaha St. Kailua Kona HI 96740		3/05/2014
LINDA DECKER		73-4113 IHUPANI PL KAILUA-KONA, HI 96740		3/05/2014
JAN WEBER				3/05/2014







## Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

Petition summary and background	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public; and to accommodate the increasing need for parking.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.



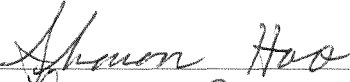




Printed Name	Signature	Address	Comment	Date
Phyllis Hanson	<i>Phyllis J. Hanson</i>	78-7250 Puupee <sup>96740</sup>		3-5-14
A.P. Hanson	<i>A.P. Hanson</i>	78-7230 Puupee <sup>96740</sup>		<del>18</del> -5-14
ELAINE JONES	<i>Elaine Jones</i>	59-356 KANALOA Dr. KAMUELA		3/6/14
Lori Marcello	<i>Lori Marcello</i>	79-7404 Mamalahoa Hwy		
ROBERT BATES	<i>Robert Bates</i>	73-1251 I LAI ST.		3/6/14
John Karasuki	<i>John Karasuki</i>	73-4098 MAKAHA PL KK 96740		3-6-14
Ruth Glatt	<i>Ruth Glatt</i>	73-4685 Kōhānāiki <sup>KK</sup>	Our Court Venues are a disgrace.	3/6/14
PHILIP SUIENS	<i>Philip Suiens</i>	73-1251 I LAI ST. <sup>KK</sup>		3/6/14
Glenda Yamamoto-Passalacqua	<i>Glenda Yamamoto-Passalacqua</i>	77-6618 Waiwa Rd. <sup>KK</sup>		96740
Virginia Halliday	<i>Virginia Halliday</i>	73-4331 Kōkūhiāla <sup>St.</sup>		3-6-14
Barbara Hark	<i>Barbara Hark</i>	81-1248 Kōnawāea Rd Keolu Keolu HI 96750		3-6-14

333-3675



# Petition to the 2014 HAWAII STATE LEGISLATURE TO SUPPORT FUNDING FOR THE NEW KONA JUDICIARY COMPLEX

<b>Petition summary and background</b>	Asks the 2014 Hawaii State Legislature to support funding for the design and construction of a new judiciary complex at Kona, Hawaii. Currently, the district, family and circuit courts are spread across Kona, and it is imperative that the courthouses are consolidated at one site for more efficient delivery of services, for the convenience of the public, and to accommodate the increasing need for parking.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our leaders to act now to pass legislation this 2014 session so that the design and construction of a new judiciary complex at Kona, Hawaii, can begin.

Printed Name	Signature	Address	Comment	Date
Tara Manwarring		PO Box 96 Honaunau, HI 96726		3/4/14
Patti Balzani		PO Box 1911 Kealahou, HI		3/4/14
Shannon Hoo		PO BOX 1628 Kealahou		3/4/14
Melisa Serion		PO Box 2772, Kailua Kona 96745		3/4/14
Kylie Kirihara		PO BOX 998 COPT. COOK, HI 96704		3/4/14
DOBBIE COFFEE		PO BOX 39063 KEAHOE HI		3/4/14
ROBERT DSKIM		P.O. Box 188 Kealahou HI		3/17/14

**TESTIMONY OF THOMAS D. FARRELL**  
Regarding House Bill 1638, HD 2, Relating to the Judiciary

Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
Tuesday, March 18, 2014 10:00 a.m.  
Conference Room 016, State Capitol

Dear Senator Hee and Members of the Committee:

I strongly support HB 1638, HD 2 which appropriates funds for the Judiciary for FY 2014-2015.

I would highlight some provisions of the bill that are particularly important to Family Court practitioners.

**Kona Judiciary Complex.** H.D. 2 provides \$39 million for construction of a Kona Judiciary Complex to house the Circuit, District, and Family Courts. The Kona Circuit Court has been a ramshackle operation on the grounds of the State Hospital for the thirty two years that I've practiced law. It was inadequate in the 1980's, and the growth in population and caseload hasn't helped. Testimony submitted by other witnesses accurately describes its many shortcomings. However, the Kona Family Court is even worse. It's difficult to believe one is actually at a courthouse, with the beauty shop upstairs, and the convenience store downstairs. Security is terrible and there's one toilet for the couple hundred folks who pass through each day (and the staff). By the way, you can't file family court documents there; you have to go someplace else to do that. So with the files at one courthouse, and the judge at another, you can only hope that your file makes it to the judge's desk when your case is called for hearing. Please do not delete this item. It's long past time for a real courthouse in West Hawaii.

**Lease of Space in Kapolei.** \$1.1million is provided to move from Honolulu and lease space in Kapolei for 81employees in Juvenile Intake and Probation, Girls Court, Juvenile Drug Court, and Family Drug Court. The original plan for the Kapolei Judiciary Complex included office space for the Juvenile Probation Division and related services. Unfortunately, this building was dropped from funding before the project was completed. In 2011, the Judiciary sought design funding to eventually build that space, but that request was also unsuccessful. Now, they are asking for funds to move and lease commercial property. This is a reasonable and necessary request. We now have probation officers downtown making a 43 mile round-trip from the court and the juvenile detention home. I can sympathize with that, as most of us who practice in Family Court have offices downtown and have to make the same trip. However, it

---

Divorce ♦ Paternity ♦ Custody ♦ Child Support ♦ TROs ♦ Arbitration  
*also handling national security cases involving revocation or denial of security clearances*

---

700 Bishop Street, Suite 2000, Honolulu, Hawaii 96813  
Telephone 808.535.8468 ♦ Fax 808.585.9568 ♦ on the web at: [www.farrell-hawaii.com](http://www.farrell-hawaii.com)

---

\*Certified by the National Board of Trial Advocacy. The Supreme Court of Hawaii grants Hawaii certification only to lawyers in good standing who have successfully completed a specialty program accredited by the American Bar Association.

seems a huge waste of taxpayer money to pay probation officers to drive ninety minutes or more each day, particularly when they already carry staggering caseloads. You wind up having to hire more probation officers because they are spending their time sitting in traffic, instead of supervising probationers. And, of course, you also have to spend money on the DAGS auto fleet and gas for them to drive to Kapolei and back. If a probation officer makes about \$50,000 per year, about \$10,000 of it is going to pay him to drive. If you have fifty probation officers, that's about a half million dollars a year of wasted time. And if you have to add another ten probation officers to cover the work, that's another \$250,000 in salary costs, not to mention benefits and employee overhead. My rough estimate is that the cost of separating them from the court is running at least \$1 million per year, plus whatever it costs to maintain their current office space. Even if the economics of this item might be a wash, at least we can more effectively use the time of our probation officers and other specialized staff, and that alone is worth it.

**Kapolei Recording System Upgrades.** It is absolutely essential to the operation of a court to be able to produce a verbatim record of proceedings. In the old days, we had salaried State employees who served as court reporters in every courtroom. Now, that function is automated with audiovisual recording systems. This saves the State enormous sums. However, the software that runs these systems must be periodically upgraded. If you don't, then just like your computer, you won't be able to use it anymore. This is a no-brainer.

**Kona Family Court Security.** I have actually witnessed assaults and near assaults at the old Family Court facility here in Honolulu, before we moved to Kapolei. Family Court is a dangerous place, where emotions run high and sometimes boil over. As I have mentioned above, the situation in Kona is appalling. Frankly, there should be two sheriff's deputies there any time the building is open. We don't have enough PSD Sheriffs, so the Judiciary is asking you to fund two special duty police officers.

**Hilo Family Court Bailiffs.** The Judiciary asks that you fund one bailiff position for the Family Court in Hilo, and another for Kohala/Hamakua. Currently, you have two Family Court judges in Hilo, but only one bailiff. Apparently there is no bailiff at all in Kohala/Hamakua. Trying to spread one bailiff across two courtrooms is like asking one pilot to fly two planes at the same time. Trying to run a courtroom with none at all is difficult to imagine.

I regret that I missed the boat when this bill was making its way through the House, but it appears no worse for it. I urge you to report the bill intact, and thank you for your consideration.

## TESTIMONY

Senate Committee on Judiciary and Labor  
House Bill 1638, HD2 Relating to the Judiciary  
Hearing: March 18, 2014

TO: Chair Clayton Hee and Members of the Senate Committee on Judiciary and Labor

FROM: Carol Kitaoka  
Kona Attorney

RE: HB 1638, HD2 Relating to the Judiciary (Budget)  
\*KONA JUDICIARY COMPLEX

Chair Hee and Members of the Senate Committee on Judiciary and Labor, I am an attorney residing in Kona who is employed by the Hawaii County Prosecutor's Office. I am also the Hawaii State Bar Association Board Member from West Hawaii. I am offering these comments in my personal capacity IN STRONG SUPPORT of the request for construction funds for a new Kona court complex which is listed on page 3 of this Bill.

The Kona community is in DIRE need of a court complex. Currently one Circuit Court courtroom and the Kona District Court are located in the old Kona Hospital Building along with the Department of Health in Kealahou. A second Circuit Court courtroom is approximately one mile away. The Kona Family Court is several miles away in Kailua-Kona.

As Deputy Prosecutors we practice in all courtrooms. The Circuit Court Deputies must drive between the Circuit Courts and parking is limited, in fact, scarce is a more accurate description. We park in dirt lots or on the grass. The public is faced with the same problems of finding the right Court and finding parking. In addition, access to the Courts at the old Kona Hospital is very difficult for the disabled. The courtrooms and the parking area are on different levels and there is NO elevator.

The most pressing concern from my perspective is the safety of the public, the Judiciary employees, and the attorneys who must appear in the courtrooms. The in-custody defendants must go through the open hallways to get to the courtrooms, victims and defendants and their families and supporters are waiting in the SAME area. During jury trials, the victims and the defendants' families and supporters must wait in the same area. This may be an intimidating experience for victims who are already under stress. In addition, jurors must wait in the SAME area as defendants' families and supporters if they leave the confines of the courtroom. Jurors have reported instances of intimidation.

In closing, the State of Hawaii and the Kona community need the long awaited and promised Kona Judiciary Complex. I am humbly requesting your favorable consideration for the full funding requested by Chief Justice Mark Recktenwald for the next phase of this CIP project. Thank you for your consideration.