



**LATE TESTIMONY**

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February 11, 2016

**TO:** The Honorable Senator Gilbert S.C. Keith-Agaran, Chair  
Senate Committee on Judiciary and Labor

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

**SUBJECT: SB 2567 – RELATING TO PROBATION**

**Hearing:** Thursday, February 11, 2016 at 9:00 a.m.  
Conference Room 016, State Capitol

**POSITION:** The Governor's Coordinator on Homelessness appreciates the intent of this measure to address the needs of homeless individuals who have involvement with the criminal justice system. The Coordinator offers written comments, and defers to the Judiciary on the issue of implementation, and the Department of Human Services (DHS) regarding the impact of this measure on homeless shelter facilities.

**PURPOSE:** The purpose of the bill is to authorize the courts to condition probation on the requirement that a convicted defendant stay nightly in a homeless facility, and to clarify that probation may be imposed for conviction of a county crime. In addition, this bill will appropriate an unspecified sum of monies from the general fund to the Judiciary for implementation.

This measure aligns with Goal 4, Objective 11 of the Hawaii Interagency Council on Homelessness (HICH) Strategic Plan to End Homelessness, which is to “advance health and stability for people experiencing homelessness who have frequent contact with hospitals and the criminal justice system.” In addition, the HICH has established a working group to strengthen the discharge planning for individuals exiting the criminal justice system so that they do not exit the system directly into homelessness.

The Coordinator is uncertain as to the direct impact that this measure will have on homeless shelter facilities. Specifically, it is unclear whether the bill may inadvertently result in a lack of available shelter space due to beds being set aside for individuals who are required to stay in shelter to meet the terms of their probation.

Thank you for the opportunity to provide comments on this bill.



**The Institute for Human Services**  
Ending The Cycle of Homelessness

**LATE TESTIMONY**

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Kimo K. Carvalho  
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**RE: IHS TESTIMONY IN SUPPORT TO SB2567 – RELATING TO PROBATION**

Honorable Chair Gilbert Keith-Agaran & Senate Committee Judiciary & Labor,

I'd like to start by acknowledging that we are thankful for the Public Safety stakeholders and leaders to think through challenges related to homelessness and address solutions that may help further prevent homelessness for so many of our fellow residents who are on probation.

An August 26, 2015 Hawaii News Now story quoted Department of Public Safety Director, Ted Sakai, stating "close to 30% of the individuals who walk in our door daily are homeless." For an OCCC population total of 1,273 at that time, this would mean that 392 people there are homeless, and if exited on probation, would most likely violate probation by further engaging in behaviors that exacerbates their homelessness by reconnecting with an unsheltered community they are most familiar with.

This bill is designed to utilize shelters like IHS as the safety net when exiting jail. IHS is in full support with developing a safety net that is robust, funded, and thought through carefully to ensure clients on probation who are without homes to go to are in fact navigated into shelter, and further seeking housing and self-sufficiency. It simply prevents their homelessness.

Noting recommendations to further strengthen this bill, I would like to kindly ask the committee to consider funding of at least one FTE Case Manager per shelter that allows staff to work with probationers and probation officers when tracking, monitoring and following through on the client's probation program and communicating regularly with probation officers. While we support system safety nets, we want to ensure we are not further straining our staff and resources beyond capacity.

Any questions, please feel free to contact me at 808-447-2845 or email [KimoC@IHS-Hawaii.org](mailto:KimoC@IHS-Hawaii.org)

Mahalo,

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



**SB2567**  
**RELATING TO PROBATION**  
Senate Committee on Judiciary and Labor

February 11, 2016

9:00 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees offer the following **COMMENTS** on SB2567, which will allow courts to make staying in a homeless facility a condition of probation for convictions of state and county crimes.

OHA acknowledges that many individuals who make contact with the criminal justice system for low level crimes may be experiencing homelessness, mental health issues, and addiction, and could therefore benefit from the services of a shelter, health care provider, or substance abuse treatment center. However, requiring such individuals to “stay nightly in a specified homeless facility that has space available” may be too complicated a stricture for the Judiciary to implement without further guidance.

For example, although shelters for individuals often have vacancies, shelters that serve families are routinely full; separating misdemeanants from their families by requiring them to stay in shelters for individuals could result in unintended safety issues for their children. Many homeless families have also expressed safety concerns when staying in mixed group living situations. Additionally, many homeless people cannot afford the shelter fees that range from \$60-\$300 per person, per month. Many may also be unable to abide by restrictive shelter curfew rules, when they conflict with their job and family schedules.

Moreover, this bill would extend this option for convictions of county crimes, as well. Paired with the City and County of Honolulu’s “sit-lie ban,” this proposal may have the broad effect of allowing law enforcement to arbitrarily round up homeless people and force them into potentially ill-fitting shelter situations.

In summary, this proposal would allow judges to require staying in a homeless shelter as a condition of probation for a broad swath of crimes, without addressing some of the most common constraints that prevent many homeless people from seeking shelter services.

Mahalo for the opportunity to testify on this measure.