



The Judiciary, State of Hawaii

**Testimony to the
House Committee on Finance**
Representative Sylvia J. Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Tuesday, April 5, 2016, 2:31 p.m.
State Capitol, Conference Room 308

by
Barbara Richardson
Deputy Chief Judge, District Court of the First Circuit

Bill No. and Title: Senate Bill No. 2569, S.D. 1, H.D. 1, Relating to the Community Court Outreach Project.

Purpose: Establishes a community court outreach project in the city and county of Honolulu, subject to the availability of funds and memoranda of agreements from the judiciary, prosecuting attorney of the city and county of Honolulu, and the public defender. Appropriates funds.

Judiciary's Position:

The Judiciary supports Senate Bill No. 2569, S.D. 1, H.D. 1.

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

The Judiciary can provide: 1) staffing for the community outreach court – a judge, court clerk and bailiff; 2) the ability to hold court sessions at locations (other than traditional courthouses) where offenders can more easily access court proceedings without taking time off



Senate Bill No. 2569, S.D. 1, H.D. 1, Relating to the Community Court Outreach
Project
House Committee on Finance
Tuesday, April 5, 2016
Page 2

from work, traveling substantial distances to traditional courtrooms and/or securing necessary child care; and 3) data on the progress of the community outreach court using the Judiciary's Information Management System (JIMS).

Safety and security is a concern when taking the court staff to other locations away from traditional courthouses; therefore, assistance from the Department of Public Safety will be required when court sessions are convened at locations other than traditional courthouses.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i**

April 5, 2016

RE: S.B. 2569, S.D. 1, H.D. 1; RELATING TO THE COMMUNITY COURT OUTREACH PROJECT.

Chair Luke, Vice Chair Nishimoto, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 2569, S.D. 1, H.D. 1.

The purpose of this bill is to recognize and address the impact that homelessness has had on our criminal justice system, to the extent that our courts are currently clogged with low-level, non-violent cases, in which the defendants are homeless. To do this, S.B. 2569, S.D. 1, H.D. 1, would implement a new and innovative means of bringing the courtroom into the community, for certain types of cases, in a collaborative effort between our Department, the Department of the Public Defender, and the Judiciary. Essentially, the Community Court Outreach Project would simultaneously:

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

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

Currently, our courts are seeing a large number of defendants, charged with low-level, non-violent crime, who are not appearing for arraignment or other hearings; this leads to a bench warrant (for arrest) being issued by the court. If and when the defendant is subsequently

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

Under S.B. 2569, S.D. 1, H.D. 1, certain designated personnel from our Department, the Department of the Public Defender, and the Judiciary would officially set up a “mobile court” that could be convened in public schools, recreation centers, community health centers, or other community-based locations that are more convenient for selected defendants. Each case and defendant would be specifically reviewed and selected ahead of time, for participation in this program. The types of offenses that could likely be considered are:

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

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

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

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 2569, S.D. 1, H.D. 1. Thank you for the opportunity to submit testimony on this matter.



LATE

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 5, 2016

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

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

SUBJECT: SB 2569 SD1 HD1 – RELATING TO THE COMMUNITY COURT OUTREACH
PROJECT

Hearing: Tuesday, April 5, 2016, 2:31 p.m.
Conference Room 308, State Capitol

POSITION: The Governor's Coordinator on Homelessness supports this bill, as it is consistent with the goals and objectives of the Hawaii Interagency Council on Homelessness State Plan to End Homelessness. The Coordinator defers to the Judiciary, the Prosecutor's Office, the Office of the Public Defender, and Department of Public Safety on specific issues related to implementation.

PURPOSE: The purpose of the bill is to establish a community court outreach project in the City and County of Honolulu that requires the Judiciary to operate a mobile court that travels to community sites where defendants cited or arrested for nonviolent, non-felony offenses live or congregate, and disposes of the cases after plea agreements have been reached.

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.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



NOLAN P. ESPINDA
DIRECTOR

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LATE

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

No. _____

TESTIMONY ON SENATE BILL 2569 SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO THE COMMUNITY COURT OUTREACH PROJECT.

By

Nolan P. Espinda, Director

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Tuesday, April 5, 2016; 2:31 p.m.
State Capitol, Conference Room 308

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

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2569, Senate Draft (SD) 1, House Draft (HD) 1, which seeks to establish a Community Court Outreach Project in the City and County of Honolulu, to be administered and operated by the Judiciary for a five-year period.

PSD stands ready to provide security and law enforcement support if called upon to do so. (We estimate that a minimum of two (2) Full Time Equivalent [FTE] Deputy Sheriff Positions at a cost of approximately \$130,000.00 would be required.) As an alternative, the Judiciary could request the services of Deputy Sheriffs through the Special Duty Coordinator for the Sheriff Division.

Thank you for the opportunity to testify on this measure.



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

April 5, 2016

S.B. No. 2569 SD1 HD1: RELATING TO THE COMMUNITY COURT
OUTREACH PROJECT

Chair Luke and Members of the Committee:

We strongly support S.B. No. 2569 SD1 HD1 which would establish a community court outreach project in the city and county of Honolulu. Honolulu's homeless situation is well documented and has been highly publicized. With the explosion in the homeless population has come a tremendous increase in criminal offenses which target homeless persons. The courts have seen a major increase in offenses such as trespassing, littering, sitting or lying on public sidewalks, urinating or defecating in public, unlawful camping and liquor in public places.

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

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

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

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

City and County of Honolulu will result in a major alleviation of this very complex issue which currently plagues our state.

We strongly support S.B. No. 2569 SD1 HD1. Thank you for the opportunity to provide testimony in this matter.