

DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR**

**THE HONORABLE JILL N. TOKUDA, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS**

**Twenty-Eighth State Legislature
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State of Hawai'i**

March 1, 2016

RE: S.B. 2569; RELATING TO THE COMMUNITY COURT OUTREACH PROJECT.

Chair Keith-Agaran, Chair Tokuda, Vice Chair Shimabukuro, Vice-Chair Dela Cruz, and members of the Senate Committee on Judiciary and Labor and the Senate Committee on Ways and Means, 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.

The purpose of S.B. 2569 is to establish a new and innovative means of addressing multiple issues that currently exist within our criminal justice system, by essentially bringing the court system to the community, for certain types of cases. This bill is a collaborative effort and high priority between our Department, the Department of the Public Defender, and the Judiciary, and would begin with a four-year pilot program on the island of Oahu, with ongoing assessment and potential application for other islands thereafter.

Where a defendant accused of committing a low-level, non-violent crime—such as being in a public park after hours or drinking in public—is homeless, it is unfortunately common for the defendant not to appear for their arraignment or other hearings, which leads to a bench warrant (for arrest) being issued by the court. Even if the defendant is eventually arrested, they may enter a cycle of being kept in jail (if unable to post bail), or being released on recognizance then failing to appear again such that another bench warrant is issued. Ultimately, these types of cases utilize a disproportionate amount of limited resources from all agencies, without offering the defendant sufficient rehabilitation to prevent recurring offenses.

Under S.B. 2569, certain designated personnel from our Department, the Department of the Public Defender, and the Judiciary would coordinate and set up an official “mobile court,” which would convene periodically, and could be located in public schools, recreation centers, community health centers, or other appropriate locations, near the defendants whose cases are specifically reviewed and selected for participation in this program. All participating defendants would have the assistance of a Deputy Public Defender, as well as a social worker/advocate arranged by the Public Defender. Sentences would be on a case-by-case basis, and would not include imprisonment, but may include a range of other court-ordered assistance and/or punishment, which may include—but is not limited to—mental health care, substance abuse treatment, community service, and/or fines.

Given the myriad of issues that currently contribute to court congestion within our criminal justice system, the Department is proud to be part of an innovative plan to help address some of these issues, while—at the same time—reducing recidivism and protecting public safety.

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. Thank you for the opportunity to submit testimony on this matter.