



*The Judiciary, State of Hawai'i*

**Testimony to the  
Senate Committee on Ways and Means**  
Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

Thursday, March 02, 2017, 10:00 a.m.  
State Capitol, Conference Room 211

by  
Tom Mick  
Policy and Planning Department Director

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 469, S.D. 1, Relating to the Judiciary.

**Purpose:** To provide biennium operating and capital improvement appropriations for FYs 2018 and 2019.

**Judiciary's Position:**

The Judiciary strongly urges your support of Senate Bill No. 469, S.D. 1, which reflects the Judiciary's resource requirements for FYs 2018 and 2019.

The Judiciary recognizes there are many competing priorities for funding, and that resources are limited. Accordingly, in our biennium budget request, the Judiciary has focused only on requirements related to past legislation and to its most pressing needs, primarily in the areas of essential staffing for court operations and client services. Specifically, with these factors in mind, the Judiciary is requesting 34 new permanent positions and additional funding of \$2.3 million for FY 2018, and 37 positions and \$3.2 million for FY 2019, some 1.4% and 2% more, respectively, than our current budget base of \$163 million.

The Judiciary is very grateful to the Senate Committee on Judiciary and Labor (JDL) for providing 23 new permanent positions (three of which are for late FY 2019) and funding of \$784K in FY 2018 and \$762K in FY 2019 for our biennium budget requests. These requests specifically relate to: (1) a no-cost conversion of seven temporary positions to permanent



positions for the Girls Court in the First Circuit and one such position conversion for the Courts of Appeal Fiscal Office; (2) three social worker positions to establish a Mental Health Unit in First Circuit and two social worker positions to work with mental health and conditional release clients in the Fifth Circuit; (3) three additional staff personnel for the Temporary Restraining Order Unit in the First Circuit; (4) three social worker positions for the Adult Client Services Branch in the Second Circuit; (5) one Staff Attorney position for the Intermediate Court of Appeals; (6) funding to upgrade the PeopleSoft Human Resource Management System; and (7) three facilities related positions in FY 2019 for the new Kona Judiciary Complex.

The Judiciary is also quite appreciative of JDL providing another six permanent positions and funding of \$617K for FY 2018 to sustain the Driving While Impaired Court and the Hawaii Zero to Three Program in the First Circuit, and sustain and expand the Veterans Treatment Court (VTC) in Third Circuit, as grant funding ends; and to support a purchase of service contract for temporary housing and residential substance abuse and mental health treatment for First Circuit VTC clients on probation. These six positions were also supported for FY 2019; however, the requested funding of \$769K was not supported in Senate Bill No. 469, S.D. 1. The related Standing Committee Report stated that in light of recent economic forecasts, it "...believes that it is fiscally prudent to...not commit to funding in the 2018-2019 fiscal year for certain programs, with the understanding that funding for these programs in the second year of the biennium may be reassessed during the next legislative session, after the benefit of up-to-date economic forecasts of general fund revenues." While we understand the economic and revenue concerns, if the second year of funding is not provided either during this or the next legislative session, the Judiciary will have to consider discontinuing these programs.

The Judiciary's biennium budget request for FYs 2018 and 2019 includes requests for three judgeships and related staffing – funding for a District Family Court judge and staffing in First Circuit as the positions were previously provided by the 2007 Legislature, and funding and positions for a District Court judge in Second Circuit and a District Family Court judge in Fifth Circuit. JDL eliminated the appropriations for these judges and staff in each of the circuits, but provided \$316K in FY 2018 and \$632K in FY 2019 in general funds in the Administration Program for two of these three judgeships, stating in its Standing Committee Report that this was "...to provide the Chief Justice with an appropriation to fund a portion of the judicial and staff positions, according to priorities established by the Chief Justice." However, no position counts were provided which would make it very difficult to establish the judgeships in the Second and Fifth Circuits if they were the choice (First Circuit already has the positions counts from the 2007 legislative session). We also believe that it is necessary to stress that whichever judgeships the Chief Justice selects, the other judgeship not selected is just as important to and needed by the island and/or community in which it is located. In all three circuits/locations, workload has been increasing and the cases have become more complex and time consuming, especially as the number of self-represented litigants has been growing. Further, neither the Second Circuit



Senate Bill No. 469, S.D. 1, Relating to the Judiciary  
Senate Committee on Ways and Means  
Thursday, March 02, 2017, 10:00 a.m.  
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(Maui) nor the Fifth Circuit (Kauai) has had a new District judgeship position in more than 30 years, yet over this period of time, the population has more than doubled on Maui and increased by more than 70% on Kauai. In addition, it should be noted that First Circuit Family Court is located in Kapolei, one of the fastest growing areas on Oahu.

The Judiciary is also requesting \$355K in FY 2018 and \$717K in FY 2019 to cover the annual two percent salary increase for justices and judges set by the 2013 Commission on Salaries, and another \$6K in FY 2018 and \$12K in FY 2019 to adjust the salaries of the Administrative Director and Deputy Administrative Director of the Courts based on a bill passed by the 2014 legislature. JDL reduced the amounts of these requests to "...the nominal amount of \$1 to facilitate further discussion", per the Standing Committee Report for this bill.

With regard to Capital Improvement Project requirements, the Judiciary is again deeply appreciative of JDL's support and funding for all of the \$15.4 requested for FY 2018 and \$12 million of the \$18.8 million requested for FY 2019. These funds were specifically allocated to our requests to make improvements to the parking structure and enhance security at Hoapili Hale in Second Circuit; reroof and repair leaks and damages at Pu'u honua Kaulike in the Fifth Circuit; provide for separate storm drain and sanitary systems for our Honolulu Kapuwaiwa Building; to upgrade and modernize fire alarm systems and elevators at Ka'ahumanu Hale in First Circuit, both of which are more than 30 years old and which continue to malfunction with greater frequency; and provide lump sum funding to address both continuing and emergent building issues. Our only concern is the lack of \$6.75 million in funding for our FY 2019 furniture, fixtures, and equipment request for our new Kona Judiciary Complex. Without such funding, we will not be able to equip and timely move into our new courthouse and thereby provide the central, one-stop court services location that the people of West Hawaii deserve and are waiting for.

In summary, the Judiciary is extremely grateful for all the support provided by JDL, but also respectfully requests restoration of \$769K for FY 2019 for the various specialty court programs; eight positions for judges and staff as well as \$187K in FY 2018 and \$306K in FY 2019 for the third judge and staff; salary adjustment funding of \$361K in FY 2018 and \$729K in FY 2019 for the justices, judges, Administrative Director, and Deputy Administrative Director; and \$6.75 million in CIP funding for furniture, fixtures, and equipment for the new Kona Judiciary Complex. With these changes and the restoration of funding and positions, the Judiciary respectfully requests your support of Senate Bill No. 469, S.D. 1, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.

**TESTIMONY**

Senate Committee on Ways and Means  
Hearing: Wednesday March 1, 2017 9:45 a.m.

TO: The Honorable Jill N. Tokuda, Chair  
The Honorable Donovan M. Dela Cruz, Vice Chair

FROM: Nadine Ando  
HSBA President

RE: Senate Bill No. 469 Senate Draft 1  
Relating to the Judiciary (Budget)

Chair Tokuda, Vice Chair Dela Cruz and Members of the Senate Ways and Means Committee, thank you for the opportunity to submit testimony on SB 469 SD1, the proposed budget for the State Judiciary for this fiscal biennium.

While the observations of the Senate Judiciary and Labor Committee concerning the Council on Revenues and the Council's concern over the future of general fund revenues set forth in Standing Committee Report No, 430 have been noted, the HSBA continues to **STRONGLY SUPPORT** the funding of three judicial positions and staff as set forth in the original draft of SB469.

- First Circuit Family Court Judge and staff
- Second Circuit District Court Judge and staff
- Fifth Circuit Family Court Judge and staff

Members of the HSBA have observed that court caseloads are increasing and the filing of complex cases with multiple issues are also increasing, necessitating the request for these three (3) new judicial positions. Parties need fair and impartial decisions in a timely manner.

The HSBA also continues to support the inclusion of the third CIP request for furniture and equipment for the much anticipated and needed new Kona Court Complex. We appreciate this Committee's continued support throughout the years for this judicial facility which will serve the Big Island.

Please reinsert these provisions into SB469 SD1. Thank you.

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# *KAUAI BAR ASSOCIATION*

## TESTIMONY

Senate Committee on Ways and Means

Hearing: March 2, 2017

TO: The Honorable Jill N. Tokuda, Chair  
The Honorable Donovan M. Dela Cruz, Vice-Chair

FROM: Mauna Kea Trask  
President, Kaua'i Bar Association

RE: SB 469, SD 1: Relating to the Judiciary

Aloha Chair Tokuda, Vice Dela Cruz and Members of the Senate Committee on Ways and Means, mahalo nui loa for the opportunity to submit testimony on Senate Bill 469 ("SB 469"). After careful review and consultation with my distinguished colleagues on the island of Kaua'i the Kauai Bar Association ("KBA") respectfully submits the following testimony.

*\*Pursuant to the Board adopted Guidelines for Legislative Testimony of the Sections Committee (4/15/88) this written position represents the views of the Kauai Bar Association (a committee, section, division or related entity of the Hawaii State Bar Association, and does not necessarily reflect the views of the Hawaii State Bar Association as a whole.*

The KBA supports the original budget submittal by the Judiciary and respectfully and with all due courtesy testifies against those amendments made by the Senate Committee on Judiciary and Labor. Specific objection is taken as to those amendments that:

1. Reduce the appropriations to JUD101, JUD310, JUD320, JUD330, JUD350, and JUD601 to reflect changing the appropriations for salary differentials for justices, judges, the Administrative Director, and the Deputy Administrative Director to the nominal amount of \$1 to facilitate further discussion;
2. Reduce the appropriations to JUD310, JUD320, and JUD350 to reflect eliminating the appropriations for the family court judge and staff for JUD310, the district court judge and staff for JUD320, and the family court judge and staff for JUD350, and increasing the appropriation to JUD601 in fiscal biennium 2017-2019 to provide the Chief Justice with an appropriation to fund a portion of the judicial and staff positions, according to priorities established by the Chief Justice;
3. Reduce the appropriation to JUD310 to reflect eliminating the fiscal year 2018-2019 funding for the driving while impaired court program, Hawaii zero to three program, and veteran treatment court;
4. Reducing the appropriation to JUD330 to reflect eliminating the fiscal year 2018-2019 funding for the veteran and drug courts; and
5. Eliminating the fiscal year 2018-2019 capital improvement project request for equipment for the new judiciary complex in Kona on the island of Hawaii.

The KBA realizes that testifying against the reduction of new judicial salaries to a \$1 each in item 1. may be viewed as counter-productive as this method of getting discussion on things like these salary increase items is time honored and therefor it might be seen as a little naïve. However, as Stand. Com. Rep. No 430 Re: S.B. No. 469, S.D. 1 correctly acknowledges the Judiciary is in need of additional judges and staff in the various circuits to meet the rising demand for services. In closing the KBA supports the Judiciary's original submittal.

Aloha,

*Mauna Kea Trask*

Kauai Bar Association President  
maunakeatrask@icloud.com



February 28, 2017

To Whom It May Concern:

The West Hawaii Bar Association, its general membership and its executive committee, by unanimous resolution, respectfully submits:

**SB469:**            **RELATING TO THE JUDICIARY**  
[http://www.capitol.hawaii.gov/session2017/Bills/SB469\\_SD1\\_.pdf](http://www.capitol.hawaii.gov/session2017/Bills/SB469_SD1_.pdf)

The West Hawaii Bar Association hereby respectfully requests the inclusion of funding for the third phase of the Kona Court Complex in this bill.

We thank you for your time, attention, and consideration of this most important matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Michael H. Schlueter".

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Michael H. Schlueter  
President, West Hawaii Bar Association



Testimony  
Senate Committee on Ways and Means  
Hearing: Thursday, March 2, 2017 at 10:00 am

To: The Honorable Jill N. Tokuda, Chair  
The Honorable Donovan M. Dela Cruz, Vice Chair

From: Jeffrey W. Ng, Esq.  
President, Hawai'i County Bar Association

Re: SB 469, SD1: Relating to the Judiciary

Chair Tokuda, Vice Chair Dela Cruz, and Members of the Senate Committee on Ways and Means, thank you for the opportunity to submit testimony on Senate Bill 469, SD1. The Hawai'i County Bar Association (HCBA) submits this testimony to respectfully ask this Committee to reinstate the appropriations for furniture and equipment for the new Kona Judiciary Complex.

The new Kona Judiciary Complex will provide the entire Hawai'i Island community a modern, secure, and efficient place to settle disputes and seek justice. It is much needed and consolidates three separate courthouses into one facility. Senate Bill 469 appropriated essential funds for this complex and the HCBA Board believes that it is vital that the new Kona Judiciary Complex has all the necessary equipment and is fully operational when it is scheduled to open in 2019. According the Hawaii State Judiciary October 21, 2016, press release about the Kona Judiciary Complex Groundbreaking Ceremony, the complex will be 140,000 square feet, with three stories, five courtrooms, and other rooms to conduct court business. Providing funding for equipment and furnishings for this complex is well worth the expense given its value and necessity to the Big Island Community.

The utility, viability, and function of the Kona Judiciary Complex could be severely compromised should the funding for necessary furnishings and equipment fail to be reinstated. Given the project's significance in our community, we respectfully ask that you reinstate the previously appropriated funding for the Kona Judiciary Complex for the 2018-2019 fiscal year.

Thank you for your time and attention to this matter.

Very truly yours,

  
Jeffrey W. Ng



LEGAL AID  
SOCIETY OF HAWAII

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Jodi S. Yamamoto, Esq.  
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.  
Executive Director

**TESTIMONY IN SUPPORT, REQUESTING AMENDMENT  
OF SB469 SD1 – RELATING TO THE JUDICIARY.**

Committee on Ways and Means - Room 211

Senator Jill Tokuda, Chair  
Senator Donovan Dela Cruz, Vice Chair

March 2, 2017 at 10:00 a.m.

The Legal Aid Society of Hawaii submits testimony in support of SB469 SD1 – Relating to the Judiciary.

We support the passage of the Judiciary budget bill, however do request that the current funding level of \$750,000 in Judiciary Program ID JUD601 be increased to \$2,159,632 in “A” funds and that it becomes a recurring budget item to purchase civil legal services for low-income and moderate-income families.

This funding would go to restoring general revenue funding for civil legal services. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope. The recommendation for this funding was the result of an off-session working group in 2015 established by HR12 and SR6 which requested the Hawaii Access to Justice Commission to Assemble Various State and Community Entities to Determine which Agency or Organization should Administer Funding for Civil Legal Services to the Low- and Moderate-Income.

Funding for these services are especially critical during these times. Recently, it was reported that the Legal Services Corporation, a federal funder which provides a little over \$1.5 million each year to our organization to provide civil legal services to the poor, is slated for elimination. Such a loss of funding would be significant for Hawai'i and to the services that we provide to over 8,500 Hawai'i residents each year.

The Legal Aid Society of Hawai'i and other civil legal service providers are also a good investment for the state of Hawai'i. For every \$1 invested in civil legal services, Hawai'i residents received a benefit of \$6.35 of immediate and long-term financial benefits. Further, for every \$1 investment in the Legal Aid Society of Hawai'i, individually, an immediate and long-term financial benefit of \$7.97 is received.

The Legal Aid Society of Hawai'i has provided civil legal services to the community for over 65 years. Through our eleven offices which include one on each of the major Hawaiian islands, our staff assist residents of Hawai'i to navigate and solve basic issues which require legal interventions. In 2016, our staff of 100 closed about 8,500 cases and opened over 8,800 in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare. In most of these cases, we are only able to provide legal counsel and advice or provide brief services which includes assisting with the completion of court forms and explaining the court process.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina



[www.legalaidhawaii.org](http://www.legalaidhawaii.org)  
A UNITED WAY AGENCY

Executive Director

Ryan H. Engle  
Board President

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Executive Director



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**TESTIMONY IN SUPPORT OF SB469, SD1  
RELATING TO THE JUDICIARY**

**Committee on Ways and Means  
Thursday, March 2, 2017  
10:00 a.m.  
Conference Room 016**

**TO:** Senator Jill Tokuda, Chair  
Senator Donovan Dela Cruz, Vice Chair  
Members of the Committee

**FROM:** Michelle D. Acosta  
Volunteer Legal Services Hawaii

**RE:** SB 469 S.D.1 Relating to the Judiciary

Volunteer Legal Services Hawaii strongly supports passage of SB 469, SD1 and specifically for the recommendation of the budget item in Judiciary Program ID JUD601 for purchase of civil legal services to low- and moderate-income individuals in the amount of \$750,000 per fiscal year. In addition, we respectfully request that this becomes a recurring budget item.

In 2008, state funding for civil legal services amounted to approximately \$2.1 million. During the recession years, state funding levels for civil legal services were drastically reduced despite the persistent and great demand for such services by Hawaii residents struggling to get by. The proposed funding would help maintain and move towards the restoration of services.

Civil legal aid services provides equal access to justice under the law. It provides access to legal assistance for families and individuals who cannot afford it otherwise. Access to assistance becomes even more critical when legal remedies are necessary to protect people's livelihood, health and family.

Volunteer Legal Services Hawaii has provided such services to individuals and families in Hawaii for over 35 years. Through its partnership with volunteer attorneys and law students, over 2,000 persons are served each year in the areas of family law, consumer debt relief, landlord tenant matters, veterans benefits and pensions, driver's license reinstatement, estate planning and probate.

In 2016 alone, volunteer attorneys invested pro bono hours valued over \$540,000 in direct services. Volunteers and staff provide legal help in the form of legal counseling and education, guidance for those able to self-represent and full-representation for those unable to effectively advocate for themselves. The knowledgeable guidance and assistance provided by volunteers and staff help individuals navigate and understand the complex legal system. Often, those assisted gain the tools needed to prevent costly litigation that can be draining to the individual as well as to our system.

A recent study conducted on behalf of the members of the Hawaii Legal Service Provider Consortium found that for every dollar invested in civil legal services, \$6.35 is received as a short and long term benefit. These investments go towards helping individuals not only avoid costly litigation but also dependency on human services by offering means to resolve legal issues like eviction, custody and care of minors, securing federal benefits, and consumer debt relief. The provision of civil legal aid is an investment that actually saves our community money in the short and long run.

Thank you for this opportunity to testify.

Michelle D. Acosta  
Executive Director



TO: Chair Tokuda  
Vice Chair Dela Cruz  
Members of the Committee on Ways and Means

FR: Nanci Kreidman, M.A.  
Chief Executive Officer

RE: SB 469, SD1

Aloha!

The Judiciary Budget is important to the entire community. Justice is at the core of a healthy, thriving community. Access to justice has been a nationwide commitment to enable those in our communities with the fewest protections the opportunity for their voices to be heard and their rights to be safeguarded. The Domestic Violence Action Center has worked in service to the community of survivors (adults and children) who need safety from abuse, remedies for exploitation, and rights to be upheld. We have received key funding support from the Judiciary for more than 25 years. Unfortunately, we don't see the problem of domestic violence abating just yet. The need for help is steady and could be available to many more, if resources were made available. Our staff appears in Family Court representing clients in complex, potentially lethal cases and our advocates provide outreach, crisis support, safety planning and information about the process (in civil and criminal court). What would victims do without us? It seems like a foreign language is in use and certainly the process is unfamiliar.

The Family Court is in need of expanded resources to meet the demand in their calendars. There is currently a position for a District Family Court judge but without funding. Family Court judges have a robust case count in their courtroom (approximately 2,600). There are approximately 3,000 (2,924 in FY 2016) TRO's filed annually; the hearings are potentially life saving. Certainly life altering. With such a large caseload, it is logistically impossible to devote the required attention to the parties and sufficiently address the urgent issues.

Please see that the Judiciary budget receives the funding appropriation necessary to continue its vital work to our island families. Thank you.



Thank you for considering the need for attention and training designed for the benefit of hairdressers, and others in related roles – professionals who may find themselves in a position of detecting or receiving confidential disclosures about partner abuse.

Although some training is better than none, preparing people with information on a one time basis or for such a short period of time may be insufficient to reach the goal. Partner abuse is a complex issue, largely misunderstood by the public and other intervenors. Learning about it in one hour would be impossible. Requiring more may be a deterrent to participation or passage of this Bill. However, the good intention could be disrupted if the guidance shared is not aligned with best practice, or potentially harmful to decisions made by those in risky relationships.

It may be wise to require a three hour training, at the very least. This would provide more time to describe the dynamics of abuse, understand the barriers for survivors, and be introduced to the community of resources available to assist.

Thank you for allowing us to participate in this community discussion.

Sincerely,

Nanci Kreidman, M.A.  
Chief Executive Officer



HAWAII

AMERICANS FOR DEMOCRATIC ACTION

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February 28 , 2017

TO: Honorable Chair Tokuda and Members of Ways & Means Committee

RE: SB 469 SD1 Relating to the Judiciary  
Support for hearing on March 2

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 469 SD1 as it would establish increased funding for the Judiciary. Specifically we like the items in Section 3 which requests funding for: a First Circuit Family Court Judge and staff; a Second Circuit District Court Judge and staff; and, a Fifth Circuit Family Court Judge and staff. The appellate case load is increasing and the Judiciary needs more staff to keep up.

We also like the restoration of funding for civil legal services. These services can provide real world solutions to help families in crisis find stability and hope. Without a successful judiciary, our government cannot function well. Support them with adequate funding.

Thank you for your consideration.

Sincerely,

John Bickel  
President





Mothers Against Drunk Driving HAWAII  
745 Fort Street, Suite 303  
Honolulu, HI 96813  
Phone (808) 532-6232  
Fax (808) 532-600  
hi.state@madd.org

March 2, 2017

**To:** Senator Jill Tokuda, Chair, Senate Committee on Way & Means; Vice Chair Donovan Dela Cruz; and members of the Committee

**From:** Arkie Koehl, Chair, Public Policy Committee, MADD Hawaii

**Re:** Senate Bill 469 SD 1 — Relating to Highway Safety

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in strong support of permanent funding for the successful DWI Court Program. The program is voluntary, primarily targeted at offenders with prior OVUII convictions. It includes regular court appearances before a designated DWI Court Judge, coordination by a Case Manager, alcohol and drug testing, group counseling and regular attendance at self-help meetings.

Since the program began over three years ago, the Court has successfully graduated twenty participants, with a **zero percent recidivism** rate for subsequent OVUII arrests among graduates. The DWI Court Program was also the recipient of the National Highway Traffic Safety Administration Public Service Award in March 2015 in recognition of the collaborative efforts to reduce traffic fatalities due to alcohol impaired driving.

MADD Hawaii is proud to have played an active role in the Court since its inception. We applaud the State for its support this program, which we believe has turned around the lives of its participants, and moved us toward MADD's vision of "No More Victims."

All our lives and property have been made safer by this innovative program. It needs to continue. MADD Hawaii urges passage of Senate Bill 469 SD 1.

Thank you for this opportunity to testify.

# Hawaii Disability Legal Services, LLC

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1188 Bishop Street, Ste 1402 ♦ Honolulu, Hawaii, 96813  75-5737 Kuakini Hwy, Ste 104 ♦ Kailua-Kona, HI, 96740

March 1, 2017

Committee on Ways and Means  
Testimony on S.B. 469, SD1  
Relating to the Judiciary

March 2, 2017, 10:00 p.m.  
Conference Room 211

Dear Chair Takuda, Vice-Chair Dela Cruz, and Members of the Committee:

My name is Diane C. Haar. I am a licensed attorney practicing in the State of Hawai`i. My practice is devoted to representing individuals with disabilities and their interests throughout the state. Most of my clients are veterans and/or homeless and near homeless individuals.

Thank you for the opportunity to submit testimony in support of Senate Bill 469, SD1 Relating to the Judiciary, the proposed budget for the State Judiciary for the upcoming fiscal biennium. I am particularly **strongly in support** of the budget item in Judiciary Program ID JUD601 of \$750,000 for each fiscal year of the biennium budget for purchase of civil legal service for low and moderate-income families in Hawaii.

My clients are these same individuals, but it is impossible for the private bar to meet all of their needs. For example, I am the attorney who brought the Assisted Community Treatment (ACT) case seeking mental health treatment for a homeless individual that might allow her to again be able to sustain housing, lower the amount of tax dollars required for her care through emergency services and incarceration, and most importantly restore her former quality of life.

As you know, this case received much community, government, and media attention, because of what these cases could be used to do. The interest remains high statewide. I did this case pro bono, because there is no funding mechanism. I also did this in 2014, and to my knowledge, no private attorney has brought a similar case since then.

Volunteer Legal Services of Hawaii (VLSH) has recently started working with attorneys to bring these cases. However, I am aware the interest and NEED probably outstrips what this organization can currently do without more support from you. In addition to interest on Maui voiced through Allyson Blair on Hawaii News Now, on January 22, 2017, last week, my staff was asked by one of Kona's largest community medical providers to help find a way to bring ACT cases there.

This is only an example of one type of case that the funding in S.B. 469, SD1 could be used to cover. There are many, many more. Even with the significant amount of pro bono I and other private attorneys in the Hawaii State Bar Association do, we cannot do much more than help a handful of individuals and highlight a much greater need.

Meanwhile cases such as these and others can reduce the massive amount of money we, as taxpayers are spending on emergency services and incarceration. The recent documentary, No Room in Paradise addressed this in greater detail. Allyson Blair's January 22, 2017 newscast addressed this, as well. \$750,000 is a small investment that has the potential to provide massive returns in tax savings, but also to all of us in our quality of life throughout the islands.

I regularly do my part, donating my time to casework that will make a positive difference to all of us in Hawai'i. However, I am also an attorney in the private bar, and thus both a corporate and private taxpayer in this state. I would respectfully request your assistance in return. Please allocate this \$750,000 bestowed to you by myself and my fellow taxpayers to the purchase civil legal service for low and moderate-income families in Hawaii: an investment that will benefit all of us in Hawai'i substantially, regardless of whether it is in the receipt of direct services or significant tax savings.

Thank you for your consideration of S.B. 469, SD1 and my testimony.

# SURFRIDER SPIRIT SESSIONS *Catching Waves and Changing Lives!*

February 28, 2017

Testimony in support of Senate Bill 469

Thank you for this opportunity to comment in favor of Senate Bill 469, the Judiciary budget, including the no cost conversion of seven Girls Court positions from temporary to permanent.

Girls Court is a comprehensive gender-specific program that addresses the needs of the girls in the juvenile justice system. Since its inception in 2004 as one of the first of its kind in the nation, Girls Court has brought close supervision, innovative programming and hands on learning not only to the youth in the program but to the girls' families. It has been recognized by the federal Office of Juvenile Justice Delinquency Prevention as a promising program. Based on the successful results of our Hawaii Girls Court and growing recognition of girls needs, 17 other jurisdictions around the country have initiated their own Girls Courts.

Surfrider Spirit Sessions is a 501 (c)(3) non profit that uses healthy adult volunteer mentors to teach youth to surf and also teaches life lessons, cultural and environmental precepts using surfing as a metaphor for life. We have worked closely with the Girls Court program since our inception. The Girls Court staff is extremely dedicated and responsive to the needs of the girls and their families.

A crucial component of providing effective services to at-risk girls is consistency. All of the Girls Court girls have endured trauma of some type in their life. Changing the Girls Court positions from temporary will ensure more consistency of services. Dedicated staff often seek permanent positions to insure job and benefits security. When they leave Girls Court for permanent positions, there is a time lag in seeking and training replacement staff. Girls' cases have to be shifted to new workers. There is then a need to establish new connections with that worker for the girls, their families and teachers, counsellors, and community members. Granting permanent status to these positions would provide more incentive for trained staff to stay and thereby more stability in the lives of our at-risk girls.

We appreciate your consideration and request that you approve this no cost conversion of the Girls Court staff positions from temporary to permanent.



Connie Sizemore  
Executive Director  
Surfrider Spirit Sessions

*We're Catching Waves and Changing Lives!  
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TESTIMONY  
Senate Committee on Ways and Means  
Hearing: March 2, 2017

To: The Honorable Jill N. Tokuda, Chair  
The Honorable Donovan M. Dela Cruz, Vice Chair  
Members of the Senate Committee on Ways and Means

From: Jeannette Pai-Espinosa  
President, The National Crittenton Foundation

Re: In Support of Senate Bill (SB) 469, Relating to the Judiciary

Honorable Jill N. Tokuda, Honorable Donovan M. Dela Cruz and Members of the Senate Committee on Ways and Means, thank you for the opportunity to submit testimony in SUPPORT of Senate Bill 469, relating to the Judiciary.

The National Crittenton Foundation (TNCF) mission is to advance the self-empowerment, health, economic security and civic engagement of girls and young women impacted by violence, childhood adversity and trauma, and is the national umbrella for the 26 members of the Crittenton family of agencies providing a continuum of services and supports to girls, young women and their families in 31 states and the District of Columbia. We know full well the need for innovative policies, procedures, system interventions, and collaborative multi-dimensional models that can be used to improve the safety, permanence, and well-being of girls and their families involved in the juvenile justice system.

This testimony is in support of Senate Bill 469, relating to the Judiciary. We support the First Circuit's request for a no-cost conversion of seven temporary positions in Girls Court to permanent status to provide permanency and stability to the Court. Hawaii Girls Court (HGC) continues to be viewed nationally as a model program for the innovation in its holistic approach, multi-system collaborations, and ability to customize supports for girls and their families involved with the juvenile justice system. We had the opportunity to attend a Girls Court session and we were impressed by the presence of representatives and advocates from juvenile justice, education and health in support of program participants. In that same session, we were moved by comments provided by a graduate of the program and her mother about how their lives improved since participating in the Hawaii Girls Court program, a promising indication of HGC's potential of interrupting the escalation into the adult system. Without such innovation, the generational cycles of system involvement that have impacted families for far too long will continue. This needs to end.

We thank you for this opportunity to submit our testimony in support of SB 469.



Kristie M. Kutaka  
1104 Ikena Circle  
Honolulu, HI 96821  
(808) 271-1040

February 24, 2017

Senator Jill N. Tokuda  
Senator Donovan M. Dela Cruz  
Members of the Committee  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Senate Bill 469, Relating to the Judiciary

Dear Senators Tokuda and Dela Cruz and Members of the Committee:

I am writing in support of Senate Bill 469. As you know, the DWI Court Program began as a pilot program to address the issue of drivers under the influence of alcohol. The intent of the program was to assist its participants with attaining sobriety. Participants are monitored on their alcohol intake on a regular basis and receive counseling on a continuous basis while in the program.

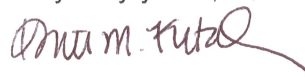
Since January 2013 to the end of January 2017, it is my understanding that the DWI Court Program has graduated a total of 34 participants. Of the 34 graduates, it is my further understanding that only one graduate re-offended. Based on those numbers, the program is close to a 100% success rate over the last four years.

Prior to the DWI Court Program, the Court had no means to assist re-offenders. In fact, I personally know of a 40-year-old male who has been convicted for driving under the influence six times in the last 12 years. For each of his convictions, he was sentenced to several months of incarceration at the Oahu Community Correctional Center. As you can see, his incarceration did nothing to help him with his underlying problem - drinking and driving.

Given that the DWI Court Program has proven to be successful, I would ask the Senate Committee to support the program and allocate permanent funding to ensure its continued existence.

Thank you for the opportunity to submit testimony regarding this issue.

Very truly yours,



Kristie M. Kutaka

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 26, 2017 11:41 AM  
**To:** WAM Testimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for SB469 on Mar 2, 2017 10:00AM\*

**SB469**

Submitted on: 2/26/2017

Testimony for WAM on Mar 2, 2017 10:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: Jill N. Tokuda, Chair  
Donovan M. Dela Cruz, Vice Chair  
Senate Committee on Ways and Means

HEARING DATE: March 2, 2017

RE: Testimony in support of SB469 SD1

Good day Senator Tokuda, Senator Dela Cruz, and members of the Committee. My name is Jessi Hall. I am an attorney licensed to practice law in Hawaii. I am here today to testify in support of SB469 SD1.

It is extremely important for the community that the Judiciary budget pass with the funding for new judges. The Family Court of the First Circuit is in desperate need of a new domestic division judge. Currently there are only three full time domestic judges and a per diem judge filling a fourth position on a nearly full time basis just to deal with the need and to help reduce the backlog. The Judiciary and in turn the State of Hawaii would save money by funding a full time judicial position and discontinuing the per diem placement. It would also lead to the consistency of decisions by having a judge that is experienced and participates in continued training.

Currently on average each Judge in the Family Court of the First Circuit handles approximately 2,600 cases every year. This leads to litigants having to wait weeks for a hearing date to be scheduled and then hours on that hearing date waiting to be heard by a judge. This costs the community in time and money from having to be away from work.

I strongly support the passage of SB469 SD1. Thank you for the opportunity to testify.



Committee on Ways and Means  
Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

Regarding Senate Bill No. 469, SD1 Relating to the Judiciary Appropriates funds for the judiciary for the fiscal biennium beginning July 1, 2017, and ending June 30, 2019.

Thursday, March 2, 2017  
10:00am  
Conference Room 211  
State Capitol  
415 South Beretania Street

To Committee on Ways and Means:

I am testifying as a private citizen in support of Senate Bill No. 469, SD1 Relating to the Judiciary.

One of the programs supported by this bill is the Driving While Intoxicated (DWI) Court of Honolulu. The DWI Court provides non-violent repeat offenders the opportunity and supportive environment for treatment and recovery. The DWI Court provides each participant with a case manager and team who oversee the recovery process that includes individual counseling and alcohol monitoring. This specific combination has graduated 33 successful participants, and earned the DWI Court Program the National Highway Traffic Safety Administration's top national award for public service at its 2015 Lifesavers Conference.

Therefore, I humbly ask that Senate Bill No. 469, SD1 be approved for full funding to continue the DWI Court Program and the unique services it provides to keep our communities safe.

Thank you for your time and considerations.

Tina Hamayasu  
411 Hobron Lane  
Honolulu, HI 96815

**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**  
Pahoa High and Intermediate School  
15-3038 Pahoa Village Rd.  
Pahoa, HI 96778

**DAVID Y. IGE**  
Governor

**KATHRYN S. MATAYOSHI**  
Superintendent

February 15, 2017

To whom it may concern:

This letter is in support of Girl's Court. My name is Sarah Kaaiakamanu and for the last year I have been a School Based Behavioral Therapist at Pahoa High and Intermediate School on the Big Island. Prior to my current position, I was a Mental Health Care Coordinator for the Department of Health Child and Adolescent Mental Health Division for 10 years. I have over 16 years of experience working with Hawaii youth within the mental health arena.

You may be wondering why I'm taking the time to write this letter in support of Girl's Court since Girl's Court is not available on Hawaii Island. But, that is precisely why I'm taking the opportunity to speak on their behalf, in the hopes that one day the Big Island may be blessed with such an amazing program. I know that the first step to getting Girl's Court on the Big Island is to edify and endorse the hard working Women of Oahu's Girl's Court Program and support them in their endeavor to become permanent employees.

In my experience, teenage girls have been some of the most difficult populations to work with due to their unique constellation of physical, emotional, educational, and juvenile justice needs. Specialty courts such as Big Island Juvenile Drug Court and Oahu's Girl's Court have produced positive results in a unique population that previously fell through the cracks. It takes a lot of hard work on the part of the Program staff to illicit the support of the community, but once the community sees the result of their efforts, you have built lifetime supporters in the mission of specialty courts. This creates a powerful and valuable resource to the communities in which they serve.

I had the opportunity to get to know some of the Girl's Court team during a week-long training for Aggression Replacement Training. They are an outstanding group of ladies that have their youth's best interest at heart. As probation officers and program staff, they stepped out of their comfort zones to learn an evidence based modality that is designed to benefit the population in which Girl's Court serves. I was impressed with the Girl's Court staff that dedicated 40 intense hours to A.R.T. training immediately following a 48 hour camping retreat with their clients. This tells me that, the judiciary has dedicated staff that are willing to do ANYTHING, to help their clientele.

A program like Girl's Court is much more than probation. It's a comprehensive, systemic, support system to help youth and families break the cycle of negative social behaviors. Taking an individualized holistic approach to juvenile justice has led to much more successful and long-lasting outcomes. There is no assessment tool that can truly measure the personal growth of a youth and their family when they are able to graduate from Girl's Court. The amount of growth from Day 1 to graduation is astonishing!

Having permanent employees could only improve upon the model of Girl's Court. Creating security and consistency with the program staff will provide continuity of care for the clients, which could serve to improve or at least validate longitudinal data.

It is my hope that Girl's Court may become a permanent resource to the communities of Oahu. The dedicated staff that represent your court system is worthy of your support and permanency.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Sarah Kaaiakamanu', with the letters 'MAMFT' written in a blocky font to the right of the signature.

Sarah Kaaiakamanu, MFT

School Based Behavioral Therapist (SBBH)

Pahoa High and Intermediate School

Department of Education

State of Hawaii

[Sarah\\_kaaiakamanu@notes.k12.hi.us](mailto:Sarah_kaaiakamanu@notes.k12.hi.us)

Office Phone: (808) 313-4331

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2017 10:01 AM  
**To:** WAM Testimony  
**Cc:** paigekawakami@gmail.com  
**Subject:** Submitted testimony for SB469 on Mar 2, 2017 10:00AM

**SB469**

Submitted on: 2/28/2017

Testimony for WAM on Mar 2, 2017 10:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paige Kawakami	Individual	Support	No

Comments: PLEASE SUPPORT FULL-FUNDING for both 2018 and 2019 for the DWI Court Program. Drunk-driving is a dangerous and prevalent issue in Hawaii. The DWI Court Program is necessary to help lessen the number of repeat drunk-driving offenders on our streets. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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February 28, 2017

Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair  
Committee on Ways and Means

Re: SB 469, SD1 (SSCR430) – Relating to the Judiciary  
Hearing Date: Thursday, March 2, 2017  
Hearing Time: 10:00 a.m.

Ladies and Gentlemen:

My name is Kristi Lyn Suzuki and I am a current employee of the Judiciary of the State of Hawaii. However, I am submitting testimony as an individual private citizen in support of SB 469, SD1 (SSCR430); specifically regarding the funds that are related to the DWI Court Program.

The DWI Court Program is administered through the Honolulu District Court. I am a former District Court Clerk, who had the honor and privilege of working closely with the DWI Court Program staff and participants from its beginning in January 2013 until September 2015 when I transferred to First Circuit Court. In fact, I was present when the very first participant entered into the program in January 2013 and since then I have been able to observe not only program growth, but more importantly, the success of its participants.

During my tenure at District Court, I was designated as the “DWI Court Clerk” and I was assigned to all DWI Court sessions that were held twice a month. I absolutely loved the assignment because DWI Court is very special. I was able to observe participants when they first entered the program – sullen, shy, angry, wary, unhappy, etc. – and over time, with the support of the DWI Court Program staff and fellow participants, people would make miraculous changes! Upon graduation, every single participant was a completely different person: happy, engaged, thankful, and basically loving their lives. Every time a participant reached a milestone, they were asked to speak to the audience. That was my favorite part because you could hear how important the DWI Court Program was to the participants and how much it helped them change for the better. There were many times that I had to wipe away tears when listening to how the participants struggled through the program, but in the end they were overjoyed and thankful because the program gave them their lives back. The DWI Court Program helped them beat their addictions. Family members spoke on how different the participants were – parents and spouses, so grateful to have their loved ones back from the grips of addiction.

Although I am now at Circuit Court and unable to be the designated “DWI Court Clerk”, I will be forever grateful to have been a part of a program that is not only helping individuals but families as a whole, and ultimately our community. Each successful DWI Court graduate continues to help others who are struggling with addiction which creates a positive impact on our community. To date, the program has successfully graduated 20 participants with a 0% recidivism rate for subsequent DUI arrests among those graduates. Additionally, in March 2015, the DWI Court Program was nationally recognized and received the National Highway Traffic Safety Administration Public Service Award in recognition of the collaborative efforts to reduce traffic fatalities due to alcohol impaired driving.

Your consideration of permanent funding for the DWI Court Program would be greatly appreciated. Although the program is small, I believe that every person that has been helped will create a ripple effect in our community. When it comes to preventing driving while under the influence, every little bit helps, and this program is a HUGE help. The DWI Court Program actually addresses the underlying problem of DWI/DUI – helping people actually cure their addictions and change their lives.

If it were still possible for me to be the designated “DWI Court Clerk”, I would relish the opportunity, as I was so proud to be a part of a program that has changed people so significantly and in such a positive way.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kristi Lyn Suzuki".

Kristi Lyn Suzuki  
808-280-1909

**Statement to Hawai'i Senate Committee on Ways and Means: Regarding SB 469,  
Judiciary Appropriations Act of 2017**

Honorable Chair Tokuda, Vice Chair Dela Cruz and Committee Members:

My name is Natalie Gates and I am the superintendent of Haleakalā National Park on Maui. As one of 417 units of the National Park Service, Haleakalā National Park preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. We cooperate with partners to extend the benefits of natural and cultural resource conservation and education in special places such as the Haleakalā Crater, the Kīpahulu Valley and the pools of Ohe`o. One of our valued partners in education of the youth of the state is Hawai'i Girls Court, a specialty court of the Family Court of the First Judicial Circuit.

In 2015, and again in 2016, Haleakalā National Park funded a three-day park immersion program for up to 12 Girls Court girls, probation officers, counselors and therapists to travel to Maui and learn about the important natural and cultural resources with which the National Park Service is entrusted. The groups traveled into natural areas with female rangers who served as role models and guides for three days of experiential learning about nature, Hawaiian culture, and themselves. Many of these girls had never left the confines of their urban O'ahu neighborhoods and knew little about Hawaiian species, natural landscapes or the history of humans in places such as Haleakalā. They learned how to hike, cook and live together. They experienced quiet and solitude for the first time in their lives. We know how valuable this experience was to the girls because they have told us. "I want to thank everyone who planned this trip because I realize I can have so much fun without drugs, alcohol and social media and I think that is a new thing for me," said one participant after the 2016 program.

I and the rest of the NPS staff who worked to make the immersion program possible have seen firsthand that the Girls Court staff are dedicated, creative and beloved by the girls. They offer affection and guidance to young women who often do not receive any affection and guidance at home. Girls Court has shown documented success in returning juvenile female offenders to school, and introducing them to employment or other opportunities in the community.

Mahalo for your consideration of this statement.

Natalie B. Gates  
Superintendent  
Haleakalā National Park

Susan Weinhardt  
293 Saratoga Circle  
Kapolei Hawaii, 96707  
808-351-2148  
March 1, 2017

Dear Senator:

I am a Public Health Nurse and concerned citizen who has worked as a Nurse Consultant for Hawaii Girls Court from 2011- 2017. I participate on the Girls court team to provide health support (education and case management) to the Girls, their families and the Girls Court Staff. Statistics show that Girls who are entering the juvenile justice system without gender specific support fall deeper into the system eventually ending up as incarcerated women. This program strives to break the cycle of incarcerated women and justice involved families by increasing positive outcomes such as education, employment and prosocial status. I have seen the amazing changes in our Girls Participants who at the beginning of the cohort are runaways, truant, victims of sexual violence and often abusing illegal substances and alcohol. At the end of the Cohort year they are attending or graduated from school, drug and alcohol free, employed and have dreams for their future.

**I am writing you to encourage support and passage of SB 469 which would allow for a no cost conversion of the seven Girls Court positions from temporary to permanent status.**

Girls Court is a Gender specific program for High risk teen girls and their families. The program has helped the majority of its participants improve their outcomes by providing monthly open Court hearings, healthy activities like spirit surfing and community service and support from Judiciary staff (Probation officers, therapists and Court officers) to meet their unique needs by providing the positive social, emotional and educational support.

Since its inception in 2004 by Judge Karen Radius the program has still remained in a temporary status. Unfortunately the program has seen a constant turnover of Court staff which leaves a "Discontinuity of care and support" to the Girls court participants and their families. If Girls Court receives permanent funding, likely more Girls and their families will be able to participate with the B 469 adequate staffing.

I am hopeful that you will support this bill which will allow for the 7 temporary staffing positions to achieve permanent status.

Sincerely,

Susan Weinhardt,  
Public Health Nurse



**From:** [Faye Maison](#)  
**To:** [WAM Testimony](#)  
**Subject:** Testimony in Support of SB 469  
**Date:** Wednesday, March 1, 2017 7:42:26 AM

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To Whom It May Concern:

I am writing in support of SB 469 and the conversion of the seven Girls Court staff positions from temporary to permanent positions. Two years ago, I had the privilege of working as a law clerk with the Girl's Court program. It is widely known that girls face unique challenges when they become court involved; yet there are few programs that are tailored to their needs. After I worked as a law clerk at a detention center in Washington DC, I became concerned about what type of work is being done that focuses on the needs of girls. That concern led me to work with Girls Court. Girls Court is a groundbreaking program, and it has inspired the creation of similar specialty courts across the country. I spent one month analyzing the program, learning about specialty courts, and supporting staff members. In the time I spent with Girls Court, it was immediately apparent that the staff positions should be permanent.

Staff members work intimately with every girl in the program: they become their coaches, mentors, and family members. Despite the insecurity of their positions, they do their best to give all that they can to the girls that they work with. I was impressed with how closely the staff members paid attention to the needs of every girl. When there was a problem, a staff member did everything in her power to address the problem immediately. Girls in the program knew that the staff would always be there to support them. These close relationships require permanency so that each girl in the program can maintain long-term relationships with her staff member. The girls need to have stable relationships in their lives, and the Girls Court staff are ready and able to provide that. They cannot do this if their positions are not permanent.

I also had the privilege of watching the staff members work together as a team. They come together to strategize about the happenings of each girl's life. When there is an emergency, they work to support each other. As they work together to create the best environment for the girls in the program, they also build relationships and skills between themselves. The relationships that staff maintain help them to be better strategists as they work towards the best outcomes for every girl in the program. When staff members continually have to leave the program, the team has to use their energy to teach and build new relationships. This is time and attention that should be devoted to the girls.

Girls Court is a unique program that is doing all it can to serve Hawai'i's youth. The program can do even more when the state recognizes the value of each staff member and the potential that each one has to effect change. For these reasons, I support SB 469.

Best,

Faye Maison

**From:** [Kim Rivera](#)  
**To:** [WAM Testimony](#)  
**Subject:** Testimony in Support of SB469  
**Date:** Wednesday, March 1, 2017 8:58:14 AM

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Aloha,

I am in support of SB469, The Judiciary Appropriations Act of 2017. I support and urge funding be appropriated to convert and make permanent the seven staffing positions of the Hawaii Girl's Court program of the First Circuit. There is no doubt that girls and their families working together on their healing journey benefit from consistent and experienced people who themselves are secure in their positions. It is detrimental for a young person and their families who open up themselves during a vulnerable time in their lives, gain trust from a staff person only to learn of their departure. Please pass SB469 and appropriate sufficient resources to make the Hawaii Girls Court program a permanent one for Hawaii's girls and their families.

Mahalo,

Kim Rivera  
**Certified Parent Support Provider**



PO Box 861021  
Wahiawa, HI 96786  
(808) 383-6600 cell

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 2, 2017 12:41 AM  
**To:** WAM Testimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** Submitted testimony for SB469 on Mar 2, 2017 10:00AM

**SB469**

Submitted on: 3/2/2017  
Testimony for WAM on Mar 2, 2017 10:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Support	Yes

Comments: Strong support of our Judiciary.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# Testimony, SB 469, SD1 (01 MAR 2017)

01 March 2017

Honored Chair & Members of the Senate Judiciary Committee:

**LATE**

**Subject:** Senate Bill Judiciary Supplemental Appropriations Act (SB469), SD1 Hearing, Conference Room 211,02 MAR 2017 1000 hrs.

**Position:** In support.

I am William Haning, M.D., an employee of the University of Hawai`i who represents the Hawai`i Society of Addiction Medicine, **testifying in unqualified support of this bill**. Before you is Senate Bill 469, SD1, being the supplemental appropriations act for the Judiciary of the State. I offer supplemental testimony to that previously provided in its support, with modifications. I do not represent the University of Hawai`i or the John A. Burns School of Medicine.

**Intent:** Among the operations funded by SB469 was the support necessary for continuation of a Driving While Intoxicated (DWI) Court within the District Court of the First Circuit. *This line item was ranked first among supplemental requests in a previous year.* My testimony is in support of re-instituting allocation required for this initiative.

**History:** The detailed history of this project is included in the testimony originally supplied in support of this bill. It has been in existence since 2013, with noteworthy success. Within the budgetary supplemental request by the judiciary was a line item for State support of this project. On behalf of the Hawaii Society of Addiction Medicine and the American Society of Addiction Medicine, as well as implicitly on behalf of the community at risk and the enrollees who benefit, I ask that you pass this bill out of Committee, sustaining and thus allowing further development of the initiative.

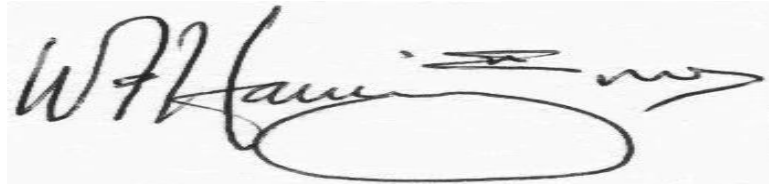
**Proposal:** While presently relying upon a contractual relationship funded from a grant, upon approval of the budget item the operation of the DWI Court will revert wholly to the State of Hawai`i both for operating personnel and space. Please note that I have been a consultant to and the Principal Investigator associated with the execution of this grant since its inception, and I seek no remuneration or benefit following the execution of this budgetary authorization. The fact of my being a faculty member of the Medical School does not allow me to speak on the Medical School's or the University's behalf in this matter. I am testifying from my position as Past President of the professional association of addiction medicine specialists within Hawai`i, HSAM, as well as a Director of the parent national organization, American Society of Addiction Medicine.

**Consequences of Failure to Authorize Support:** The present DWI Court as constituted will cease operation no later than 30 September, 2017. There is no identified alternate funding through DoT or other grants processes; the pilot grants from Department of Transportation were essential to the commencement of this program but never intended for its perpetuation. Program enrollees will be discharged from monitoring and case management, and remaining

sentences will be executed. Benefit to the enrollees, their families and employers will cease; risk to the community will consequently increase.

**Summary:** The Legislature is asked to approve a budget which included as a crucial line item the establishment of a DWI court within the Judiciary. It is an excellent and successful pilot that represents current thinking and practice in the majority of the United States and which has proven exceptionally cost-effective as well as conserving the lives and careers of many valuable citizens. The project has been a successful collaboration between the Judiciary and the School of Medicine, in which the school provides considerable unreimbursed personnel, professional and facilities support. I am available to answer questions on short notice and may be reached through the contact information below.

Very respectfully,

A handwritten signature in black ink on a white background. The signature is written in a cursive style and appears to read "W F Haning III". The signature is written over a large, empty oval shape that has been drawn on the page.

William F. Haning, III, MD, DFASAM, DFAPA  
Director, American Society of Addiction Medicine (Region 8)  
[haning@prodigy.net](mailto:haning@prodigy.net)  
808-220-2685

## **Attachment A:**

### **Driving While Impaired (DWI) Court Program Executive Summary**

Every 51 minutes, a person dies at the hand of a drunk driver according to the 2012 National Highway Traffic Safety Administration report (NHTSA, 2012). Approximately 25% of all drivers arrested or convicted nationwide are repeat offenders (Warren-Kigenyi & Coleman, 2014). Not surprisingly, a repeat drunk driving offender is four times more likely to cause a deadly crash (NHTSA, 2012). DWI Courts were created nationwide to address this population of impaired drivers who are overrepresented in these fatal crashes and provide them with close supervision and substance abuse treatment in an effort to reduce these traffic fatalities.

Compared to the national average, Hawai'i has a higher proportion of fatal crashes that involve impaired driving (CDC, 2014a). The DWI Court Program provides offenders with comprehensive Court-supervised treatment opportunities and resources to successfully complete rehabilitation with the goal to reduce individual recidivism rates, reduce societal financial burdens, and protect the community.

It is a voluntary program for nonviolent offenders, who have been assessed by a health professional as having a substance dependence or substance abuse diagnosis. The program involves regular court appearances before a designated DWI Court Judge, case management meetings, and participation in an individualized treatment program. Treatment includes alcohol and drug testing, individual and group counseling, and regular attendance at self-help meetings. Entry to the Program requires the participant to enter a plea of guilty or no contest, but the execution of sentence is stayed pending compliance and completion of program requirements.

Of the 243 repeat offenders that have been referred to the DWI Court Program since 2013:

- 114 offenders (46.9%) were eligible for screening
- 55 offenders (48.2%) petitioned to enter the program and/or started screening
- 43 offenders (78.2%) decided to join the DWI Court Program
  - 19 offenders (44%) graduated
  - 16 offenders (37%) are currently enrolled
  - 8 offenders (19%) either withdrew or were terminated for non-compliance

*\*There are five potential participants who are currently in the screening process who were not included in the above statistics.*

The typical participant at the time of screening was around 31 years of age, single, male, employed full time, and had at least a high school education. 47% of all participants who

chose to join the program have children. During the screening process, potential participants were asked about their substance abuse history. 100% of current participants reported at screening that they believed alcohol negatively affected their lives, and 47% had already tried some form of substance abuse treatment prior to joining the DWI Court Program.

In addition to the personal improvements that program participants experience during recovery, sustained substance abuse treatment and recovery for these individuals also amounts to a social and economic benefit by preventing future arrests that they would likely acquire without any intervention. This reduction in recidivism benefits our community by improving public safety on our roadways and saving taxpayer money in costs to arrest, prosecute and imprison these offenders.

While the penalties for a first offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII) are minimal, repeat offenders are subject to increasing amounts of jail time if convicted of multiple offenses. Additionally, these repeat offenders are often charged under H.R.S. §291E-62 if they are caught operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant, which has increasing mandatory jail time associated with second and third offenses. Further, when an offender is arrested for OVUII and has already been convicted of OVUII three or more times within a 10 year period, they can be charged with habitually operating a vehicle under the influence of an intoxicant pursuant to H.R.S. §291E-61.5. This felony charge carries either an indeterminate term of imprisonment of five years or five years of probation that would cost even more.

Looking at specific numbers, it costs approximately \$125 per day to house inmates in Hawai‘i (Hawai‘i Department of Public Safety, 2014).

<b>Conviction</b>	<b>Sentence</b>	<b>Cost of Jail per occurrence</b>
OVUII - 3rd offense	10 days - 30 days	\$1,250 - \$3,750
H.R.S. §291E-62 - 2nd offense	30 days	\$3,750
H.R.S. §291E-62 - 3rd offense	1 year	\$45,625

Of the participants who entered the program, 42% had been convicted of their 3rd OVUII and 21% had been convicted of a 2nd §291E-62 charge, making these participants eligible for the aforementioned longer and more expensive jail sentences upon future arrest. With successful substance abuse treatment through the DWI Court Program these potential future arrests could be avoided resulting in a significant cost savings.

The basic costs of enrolling an individual in the DWI Court Program, which includes case management services and alcohol monitoring are approximately \$495 per month per participant, or \$6,025 per participant per year. The cost of treatment services are primarily paid for through the participant’s health insurance carrier or by the participant in order to keep them invested in their own recovery. When a participant is indigent and unable to pay for necessary treatment services, the program will pay for the treatment to ensure the same quality of care for everyone.



<b>DWI Program Length</b>	<b>Cost</b>	<b>Potential Cost Savings</b>
30 days	\$495	\$3,255
1 year	\$6,025	\$39,600

Since the program's inception in January 2013 to December 2015, the DWI Court Program has graduated 19 participants with a 0% recidivism rate for subsequent drunk driving arrests. In comparison, there is a 20% recidivism rate for subsequent drunk driving arrests among those who were eligible for the DWI Court Program but chose not to screen or join.

In March 2015, the DWI Court Program received a NHTSA Public Service Award in recognition of the collaborative efforts to reduce traffic fatalities due to impaired driving by creating and operating Hawai'i's first DWI Court program. We would like to secure permanent funding for the program so we can build on this initial success and continue to confront the persistent problem of impaired driving in our community by changing lives through rehabilitation.

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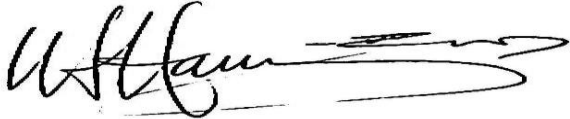
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**Submitted to the District Court of the First Circuit, DWI Court, 20 January 2016:**

A handwritten signature in black ink, appearing to read 'William F. Haning, III', with a long horizontal flourish extending to the right.

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