



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair
Representative Ty J. K. Cullen, Vice Chair

Friday, February 23, 2018 3:30 PM – Agenda #4
State Capitol, Conference Room 308

by
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Bill No. and Title: House Bill No. 2752, Relating to the Community Court Outreach Project.

Purpose: Appropriates funds to the Judiciary to conduct an evaluation study to assess the impact of the community court outreach project in reducing the administrative burden within the judicial system and expenses including staff and technology necessary for implementing the community court at community sites.

Judiciary's Position: The Judiciary strongly supports House Bill No. 2752.

The Judiciary appreciates this bill that will allow the Community Outreach Court (COC) to expand its operation and to reach out further into the community on Oahu as directed by Act 55 (2017).

As noted in the Judiciary’s annual report, the COC started as a pilot project and has been operating in the Honolulu District Court building since January 2017. With this initial success, the Legislature established the COC under Act 55 which became effective in July 2017. The Act directs the COC to become mobile. The Judiciary, City & County of Honolulu Department of the Prosecuting Attorney, and Hawai‘i State Public Defender’s Office share the common goal of bringing the COC closer to those who are residentially-challenged and to the community.

As of January 2018, the Honolulu Prosecuting Attorney and Public Defender’s Office reported that the COC had 64 participants (unique participants, excludes repeat offenders). There were 47 participants who completed a total of 640.5 hours of community service and 118 referrals to social services. Among the COC participants, 2 obtained their driver’s license; 11



obtained housing (of which 6 obtained housing on their own volition); 10 were sheltered (of which 2 found shelter on their own volition); 11 were living with families and friends; and 13 found a job (11 found a job on their own volition).

The COC is currently held on the second and fourth Thursday of each month in Honolulu District Court and on the third Tuesday of each month in Wahiawā District Court. A total of 27 court sessions have been held since January 2017.

Through designated staff and in collaboration with the Public Defender and the Prosecuting Attorney, we foresee more court settings to address any increase in COC cases. In order to meet the mandate and the potential increase in cases, the Judiciary respectfully requests support and funding for personnel and equipment.

In order to continue to expand the COC into a non-traditional court setting and meet the mandate set forth in Act 55, the Judiciary respectfully requests three additional positions, \$155,300 in annual funding, and \$8,100 in one-time equipment funding as follows:

- a) one (1) new, full-time court clerk position (District Court Clerk II) to record and execute the court's orders and dispositions;
- b) one (1) new, full-time court bailiff position (Court Bailiff II) to manage the court's calendar and court proceeding;
- c) one (1) new, full-time clerk (Judicial Clerk III) to calendar cases and to prepare, process, issue, and maintain court documents;
- d) a contract with a security company and sheriff positions to provide security and safety to all involved; and
- e) computers and peripheral equipment, dedicated office supplies, and remote connectivity to the Judiciary Information Management System (JIMS).

Also, the Public Defender's Office would need one (1) additional intake case coordinator position and transportation vouchers for COC participants, which would cost about \$62,000 annually.

Finally, we respectfully request that any funding be provided directly to the responsible party (i.e., the Judiciary, the Public Defender, and the Honolulu Prosecuting Attorney) to increase efficiency in financial transactions. Last year, Acts 49 and 195 directed that funding for the Judiciary and Honolulu Prosecuting Attorney be transferred through the Public Defender's Office which delayed receipt of funds since Memorandums of Agreement had to be set up among the parties involved.

Thank you for the opportunity to testify on this measure.

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THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai'i

February 23, 2018

RE: H.B. 2752; RELATING TO THE COMMUNITY COURT OUTREACH PROJECT.

Chair Luke, Vice-Chair Cullen 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 opposition to H.B. 2752.

First and foremost, the Department would like to thank the Legislature for supporting and passing Act 55 (2017), which created a permanent community court outreach project in the City and County of Honolulu. As the Committee is aware, this began as an collaborative effort and unfunded pilot project between the Department, the Public Defender’s Office and the Judiciary, which was later fortunate to secure a modest federal grant for start-up costs. From the beginning, each agency has made – and continues to make – concerted efforts to minimize expenses and staffing, and pursued very systematic and deliberate expansion of the project, to ensure the project’s success. To ensure financial accountability and avoid frivolous spending, nearly all of the staff involved wear multiple hats within their respective agencies, and each agency has had to find unique and innovative ways to keep costs manageable; each of us serves as a check and balance for the others, for the ultimate good of the project.

Currently, community court sessions are only held three times a month. In Honolulu District Court, court is held every 2nd and 4th Thursday of the month. In Wahiawa District Court, court is held every 3rd Tuesday of the month. The group also plans to begin court sessions at Waianae District court once a month, by May of 2018. Due to the limited number of court sessions, currently involved, and the current projections and goals for the Honolulu community court outreach project, the Department does not believe that additional permanent staffing is necessary at this time, thanks to the funding that was provided in Act 55 (2017). At this phase of the project, the Department believes that additional data and research is necessary before additional funds become warranted, as additional appropriations for staffing

would merely raise the operating costs of the project without generating additional participants or any significant increase in results.

In addition, H.B. 2752 proposes an evaluation study to assess the impact of the Honolulu community court outreach project. While the Department shares the Legislature's interest in demonstrating the overall benefit that this project has had on our judicial system—as well as the individual success stories of each project participant—the Department and the Office of the Public Defenders already compile data from each court session, which is regularly used to evaluate the strengths and weaknesses of the project. That information can be provided to the legislature upon request, at no additional cost to the state. Thus, appropriating funds to conduct an evaluation study, when an ongoing group evaluation is already being conducted on a continuous basis, is unnecessary at this time.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes the passage of H.B. 2752. Thank you for the opportunity to testify on this matter.

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

February 23, 2018

H.B. No. 2752: RELATING TO THE COMMUNITY COURT OUTREACH
PROJECT

Chair Luke and Members of the Committee:

The Office of the Public Defender has been a partner in the formation of the Community Court project from its inception. Meetings regarding the establishment of a community court began in 2015 between the Judiciary, Office of the Public Defender and the Department of the Prosecuting Attorney. These entities saw a need to assist the disadvantaged and homeless community in the resolution of their non-violent criminal and traffic legal problems. Such legal problems often prevented these persons from obtaining much needed services such as employment, housing assistance and other social services.

In 2016, the Prosecuting Attorney was able to procure a grant from the U.S. Department of Justice's Bureau of Justice Assistance to begin the Honolulu Community Outreach Court. The grant appropriation was used to hire a Community Court Case Coordinator and the inaugural Community Court session was held in January 2017. Since then, the Community Court program has been widely recognized as being one of the success stories within our local judicial system. As stated in Section 1 of this bill, in 2017, the court handled 54 participants and cleared 528 cases among those participants. More importantly, the court has succeeded in steering many participants to essential services.

We would support the evaluation proposed in H.B. No. 2752 but believe the study should focus on more than the goal of reducing administrative burdens within the judicial system. The mission of the community court is to assist disadvantaged persons in resolving their legal problems and thus contributing to the goal of being able to lift themselves out of homelessness and poverty.

Thank you for the opportunity to provide testimony in this matter.