



*The Judiciary, State of Hawai‘i*

**Testimony to the Senate Committee on Judiciary**

Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair

Friday, March 16, 2018 9:30 AM  
State Capitol, Conference Room 016

by  
Calvin C. Ching  
Deputy Chief Court Administrator  
First Circuit

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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.

**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on  
Judiciary**

March 16, 2018

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

Chair Taniguchi 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.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY

Sen. Brian Taniguchi, Chair

Sen. Karl Rhoads, Vice Chair

Friday, March 16, 2018

9:30 am

Room 016

## SUPPORT FOR HB 2752 - EXPANSION OF COMMUNITY OUTREACH COURT

Aloha Chair Taniguchi, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of all the people who have died in our facilities including, JESSICA FORTSON, JOEY O'MALLEY, DAISY KASITATI, ASHLEY GREY. and the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons supports expanding this successful program. The Honolulu Star Advertiser reported<sup>1</sup> on the outcomes of the first year of the Community Outreach Court:

- 57 Homeless defendants who appeared before the inaugural Community Outreach Court Project in 2017
- 601 Total low-level, nonviolent cases the 57 defendants represented
- 676-1/2 Community service hours the defendants served rather than face fines or jail
- 9 Defendants who have been housed since participating in the Community Outreach Court Project
- 11 Defendants who have gotten jobs
- 5 Defendants who began substance abuse treatment

Community Alliance on Prisons urges the committee to pass this measure and to support the funding requested. Mahalo for this opportunity to testify.

*We need to view poverty and homelessness as what they are:  
human and civil rights issues.*

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<sup>1</sup> Court ends first year of decriminalized homelessness, By Dan Nakaso, January 8, 2018,

<http://www.staradvertiser.com/2018/01/08/hawaii-news/court-ends-first-year-of-decriminalized-homelessness/>

**HB-2752**

Submitted on: 3/15/2018 4:59:54 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments: