

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

February 7, 2018

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

Chair Nishimoto 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.



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Judiciary**

Representative Scott Y. Nishimoto, Chair

Representative Joy A. San Buenaventura, Vice Chair

Wednesday, February 7, 2018 2:00 PM

State Capitol, Conference Room 325

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 burdens within the judicial system and for any staff and technology necessary for conducting the community court at community sites.

**Judiciary's Position:**

The Judiciary strongly supports House Bill No. 2752. The Judiciary respectfully seeks clarification of the criteria for the evaluation study.

The Community Outreach Court (COC) was established in January 2017 as a pilot project in collaboration with the City and County of Honolulu Prosecutor's Office, and the State Public Defender's Office. In July 2017, the Legislature authorized the Community Outreach Court under Act 55, 49, and 195. Act 55 directs the Judiciary to administer and operate the COC project in the City and County of Honolulu to help nonviolent offenders who face problems such as drug abuse and mental health challenges to obtain basic services and necessities, like food and shelter, and to offer combined accountability and treatment options to offenders that would reduce crime and recidivism.

With the combination of appropriated funds by Act 49 and 195 and by utilizing existing resources, the Judiciary has held the COC twice a month in Honolulu District Court. The hiring of Program Specialists which were funded by Act 49 and 195 has allowed the Judiciary to begin



formulating plans and logistics to bring the COC to a rural court, outside of the Honolulu District Court. COC at Wahiawa District Court has been held once a month since December 2017.

Under the COC model, the court holds hearings on cases for which the Prosecuting Attorney and Office of the Public Defender have negotiated a plea agreement on the disposition of the defendants' outstanding charges and bench warrants. Only cases involving nonviolent, nonfelony offenses under state law and city ordinance may be heard and disposed of under the program. Once the plea negotiations are completed, the defendant, the public defender, and the prosecutor appear before the COC Judge for approval. If the court accepts the plea agreement, the defendant is sentenced and a return date is scheduled for proof of compliance (POC). At the POC hearing, both counsels meet with the defendant and service providers to assure that defendant has met all the sentencing conditions. If a defendant needs more time to complete the sentence, the Court will grant additional time to complete any outstanding conditions.

As of January 2018, the Honolulu Prosecutor's Office and the Public Defender's Office reported that the COC had 64 participants (unique participants, excludes repeated offenders). There were 47 participants who completed total of 640.5 hours of community service. There were 118 referrals to social services made. Among the COC participants, 2 obtained driver's license, 11 obtained housing (6 out of the 11 obtained housing on own volition), 10 were sheltered (2 out of the 10 found shelter on own volition), 11 are living with families and friends, and 13 found a job (11 out of 13 found a job on own volition).

The Public Defender's Office stated, "As we look at quantitative data, we can measure success through the amount of bench warrants, cases, and the number of clients we have helped. We also measure the number of individuals who got substance abuse treatment, housing placement, job placement, driver's license. The successes of Community Court is also reflected on the growing numbers of clients coming into community court that resulted to the recent expansion to Wahiawa just last month and we are now looking to expand to the other rural courts in the near future."

The Prosecutor's Office stated, "The Prosecutor's Office perceive success measurements of Community Courts does not translate equally to a monetary value. Our Department values success of this project based on the number of individuals receiving services (how many got into housing, jobs, treatment, etc.). We also look at the amount of community service completed, as this provides a direct positive impact to the community. We place value in replacing the revolving (court) door of criminal offenses with independence and stability for each participant of Community Courts."

In order to expand the COC into non-traditional court settings and meet the mandate set forth in Act 55, the COC team (The Judiciary, Public Defender's Office and the Prosecutor's Office) respectfully request the Legislature for support and additional funding totaling \$225,750 for the first year, including one-time equipment costs of \$8,100, and \$217,650 annually thereafter for:



- 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) contract with security and sheriff positions to secure safety;
- e) associated computer and peripheral equipment, and office supplies dedicated for this court's disposition and remote connectivity to JIMS; and
- f) one (1) new, full-time intake/case coordinator at the Public Defender's Office to increase COC intake and case management capacity.

In addition to the \$217,650, annual operational cost, one-time equipment costs needed to support the staffing and mobilization are estimated approximately \$8,100. Therefore, the COC team would require approximately \$220,300 for the first year the bill provisions are implemented, and \$225,750 each year thereafter. With the funding, the COC team aims and projects to bring the COC to a non-traditional court setting by December 2018.

Further, through the operation of the COC, the team became aware of underlying social determinants in improving lives of those who are residentially-challenged. Transportation to and from the court/ community service sites and fees to enter and stay in homeless shelters are only a few of many challenges that many of the COC participants face. The COC team looks for partnerships with other agencies and/or funding in addressing transportation and homeless shelter fees.

The COC is built upon a partnership among the Judiciary, Public Defender's Office, Prosecutor's Office, and social service partners in the community. With the Legislature's support, we hope to increase access to court services and social services by bringing services closer to where people are.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



CHASID M. SAPOLU  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawai`i**

February 7, 2018

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

Chair Nishimoto, Vice-Chair San Buenaventura and members of the House Committee on Judiciary, 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 unfunded pilot project and collaborative effort 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 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; all of us serve as a checks and balance for each other, 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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month. In Wahiawa District Court, court is held every 3<sup>rd</sup> 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, 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.

Beyond any administrative benefits that each of our agencies has seen as a result of the community court outreach project, the Department believes that the true success of this project lies with the individual successes of the participants, and the role this project is playing in addressing the multifaceted problem of homelessness. 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.

**HB-2752**

Submitted on: 2/5/2018 2:15:39 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

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

Comments:

**LATE**

**HB-2752**

Submitted on: 2/7/2018 8:20:45 AM

Testimony for JUD on 2/7/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather Lusk	The CHOW Project	Support	No

Comments:

The CHOW Project has been providing an outreach worker to the Community Outreach Court for the past year and has seen the success of this court in linking people to housing and other resources. We strongly support this bill and the Community Outreach Court.

Thank you for the opportunity to testify.