



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second State Legislature, 2024 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

Tuesday, February 13, 2024 at 2:00 p.m.
State Capitol, Conference Room 325 & Videoconference

by

Brook Mamizuka
Probation Administrator

Bill No. and Title: House Bill No. 1954, H.D. 1, Relating to the Community Outreach Court.

Purpose: Permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 1954, H.D. 1. This bill will provide much needed resources and funding to assist the community outreach court clients and operations. The court itself is faced with a number of challenges in terms of adequate staffing. This legislation will address the staffing concerns by increasing budgetary considerations for additional positions.

The Community Outreach Court (COC) clients are faced with quality-of-life offenses. They lack proper identification, have driver's license stoppers, lack transportation, lack housing, and face financial hardships. The COC provides vital client services that include identification, welfare assistance, housing, case management, cellular phone service, child car seats, and bus transportation. The COC partners with twenty four (24) service providers.

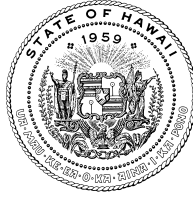
Since 2017, through Act 55 (SLH 2017), the Judiciary, Office of the Prosecuting Attorney of the City and County of Honolulu, and the Office of the Public Defender, State of



House Bill No.1954, H.D. 1, Relating to the Community Outreach Court
House Committee on Judiciary & Hawaiian Affairs
February 13, 2024
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Hawai'i, have collaborated to address and resolve legal matters faced by many of O'ahu's homeless population. Over the course of six years, the Community Outreach Court has held court sessions throughout O'ahu in several locations, including: the Waianae coast, urban Honolulu, and Windward O'ahu. The court has addressed more than 10,000 cases, recalled more than 900 bench warrants, lifted more than 600 driver license stoppers, and assisted more than 600 participants with social services or referrals.

Thank you for the opportunity to testify on House Bill No. 1954, H.D. 1.



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Testimony of **John Mizuno**
Governor's Coordinator on Homelessness
Before the
House Committee on Judiciary and Hawaiian Affairs
February 13, 2024
2:00 p.m., Conference Room 325

In consideration of
House Bill No. 1954 HD1
RELATING TO THE COMMUNITY OUTREACH COURT

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,

I am writing in strong support of HB1954 to ensure that persons experiencing homelessness or who have recently experienced homelessness have access to the Community Outreach Court. I commend the legislature for establishing this program, and the judiciary for its efforts to reach those experiencing homelessness.

Over the course of six years, the Community Outreach Court has held court sessions throughout O'ahu in several locations, including: the Wai'anae coast, Wahiawā, urban Honolulu, and Windward O'ahu. The court has addressed more than ten thousand cases, recalled more than nine hundred bench warrants, lifted more than six thousand driver license stoppers, and assisted more than six hundred participants with social services or referrals.

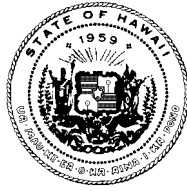
I have witnessed how the program benefits those who are experiencing homelessness. Many people who have lost their housing quickly accumulate citations, fines, and criminal records for nonviolent, misdemeanor offenses such as expired vehicle registrations, sitting or lying on sidewalks, or remaining in parks after hours. Fines and criminal history then become a barrier to employment and housing. For several individuals I know, old unpaid vehicle citations resulted in driver's license stoppers, which then deprived them of the ability to commute to work.

Community Outreach Court enables these individuals to clear these hurdles, and to do so in a place and manner that does not require them to travel long distances, or to leave their belongings behind for long durations. It is an essential service for those experiencing homelessness and I strongly support its permanent establishment.

Mahalo,

John Mizuno
Governor's Coordinator on Homelessness

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'ŌKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'ŌKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'ŌKELE

February 10, 2024

To: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 1954 – RELATING TO THE COMMUNITY OUTREACH COURT.**

Hearing: February 13, 2024, 2:00 p.m.
Conference Room 325, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure and defers to the Judiciary, the Prosecutor's Office, and the Office of the Public Defender.

PURPOSE: This bill permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. Effective 7/1/3000. (HD1)

The House Committee on Health & Homelessness amended the measure by:

- (1) Deleting language that would have required the Supreme Court to adopt rules regarding the administration, operation, and procedures of the Community Outreach Court;
- (2) Changing the appropriations to unspecified amounts;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

This collaborative program brings the system stakeholders together and is an efficient use of resources to identify and meet the needs of individuals experiencing homelessness. The individualized and experienced team approach is more apt to recognize the underlying causes

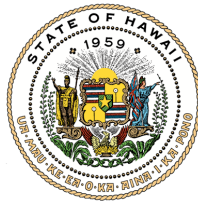
February 10, 2024

Page 2

of the individual's situation and refer them to appropriate services and aims to prevent further involvement in the justice system.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

JARED K. REDULLA
Deputy Director
Law Enforcement

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

TESTIMONY ON HOUSE BILL 1954, HOUSE DRAFT 1
RELATING TO THE COMMUNITY OUTREACH COURT
Before the House Committee on Judiciary and Hawaiian Affairs
Tuesday, February 13, 2024; 2:00 p.m.
State Capitol Conference Room 325, Via Videoconference

WRITTEN TESTIMONY ONLY

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) **supports** House Bill 1954, House Draft 1.

This bill establishes the Community Outreach Court and provides funding for agencies and partners needed for the successful operation of the Community Outreach Court.

This bill is an important tool in criminal justice reform as this court is designed to identify needs of members of the community who due to their individual circumstances need additional assistance rather than incarceration and then allow partner agencies and participants in the Court to formulate a successful plan to get that assistance to those before the Court.

This bill includes an appropriation for two full-time equivalent deputy sheriff positions to support the Community Outreach Court ensuring availability of law enforcement presence when court sessions are held in community locations.

The DLE is asking for \$250,000 for this appropriation.

Thank you for the opportunity to testify in support of this bill.

JON N. IKENAGA
STATE PUBLIC DEFENDER

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February 9, 2024

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
415 South Beretania Street, Conf. Rm. 325
State Capital
Honolulu, HI 96813
[via email: JDCtestimony@capitol.hawaii.gov](mailto:JDCtestimony@capitol.hawaii.gov)

Re: Testimony in Support of H.B. 1954
Hearing: February 13, 2024, 2:00 PM

Dear Chair Tarnas, Vice Chair Takayama and Committee Members:

This letter is in support of H.B. 1954 which would permanently establish and appropriate moneys for the Community Outreach Court ("COC") as a division of the District Court of the First Circuit.

Since 2017, the Office of the Public Defender ("OPD"), the Department of the Prosecuting Attorney and the Judiciary have worked in concert to assist nonviolent offenders resolve pending and adjudicated offenses through alternative sentencing, including community service. COC has been instrumental in recalling and reducing the amount of outstanding and stagnant bench warrants and resolving thousands of pending cases with positive outcomes for both the offender and the community. The burden on law enforcement has been reduced through recalled bench warrants and penal summons that previously languished unserved. Participants who were previously unable to attend court due to financial and/or the inability to travel have attended court to address their cases. And both the community and offender benefitted greatly from completed community service.

COC provides a vital service to the community. Not only is the court able to clear thousands of unresolved cases that would have otherwise remained pending, but social service providers also assist COC participants at no cost to the taxpayer. By the time the participants graduate from COC, the graduates are entrenched in or one step closer to stable housing, employment and have had their legal matters resolved. These milestones are necessary to end the cycle of homelessness which COC is tackling, one participant at a time. The permanent establishment of COC is integral and necessary for our community.

Thank you for taking these comments into consideration.

Sincerely,
/s/ Taryn Tomasa
Deputy Public Defender

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

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STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i

February 13, 2024

RE: H.B. 1954; RELATING TO THE COMMUNITY OUTREACH COURT.

Chair Tarnas, Vice Chair Takayama, and members of the House Committee on the Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, **supporting in-part** H.B. 1954, and respectfully submits the attached **Proposed H.D. 2** for the Committee's consideration.

Please note, the Department certainly supports the Public Defender's desire to end their role as the "pass-through" entity for Community Outreach Court funding, and further supports any additional personnel needs, which the Public Defender, Judiciary, and this Department believe are necessary to continue to add more locations to the program. However, the Department **opposes** any portion of H.B. 1954 that seeks to refresh or reiterate the purpose and/or direction of Community Outreach Court; repeal Act 55, SLH 2017; or create a new chapter in the Hawaii Revised Statutes dedicated to this program.

If it's not broken, don't fix it.

Since 2016—and pursuant to law since 2017—the Community Outreach Court (aka Community Court Outreach) project has worked as a joint partnership between this Department, the Department of the Public Defender and the Judiciary, to assist certain non-violent individuals in the First Circuit, who have little or no income, and are thus unable to pay the fines on their (typically very long list of) past and pending traffic cases. *The overarching goal of this program is to "help [these] nonviolent offenders...to obtain basic services and necessities, like food and shelter"*¹ (emphasis added), with the added benefit of quickly and efficiently clearing large

¹ See Act 55, Session Laws of Hawaii 2017, p. 3, lns. 15-17. Available online at https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=718&year=2017; last accessed January 31, 2024.

numbers of cases from the District Court caseload, and large numbers of outstanding bench warrants, with minimal use of government resources.

In its current form, Community Outreach Court has already “addressed [meaning resolved and closed] more than [10,000] cases, recalled more than [900] bench warrants, lifted more than [6,000] driver license stoppers, and assisted more than [600] participants with social services or referrals.” (*See* H.B. 1954, p. 2, Ins. 18-21.) Currently, the program is operating at only three locations—Waianae, Honolulu and Kaneohe—but we understand there are plans to expand to more locations, or meet more frequently at the existing locations, to increase the program’s reach and capacity. That is the reason for requesting increased funding and personnel.

Given the program’s proven track record and success—under the existing parameters laid out in Act 55, SLH 2017—the Department respectfully asks that this Committee allow the Community Outreach Court program to continue to function effectively, and grow incrementally— under the existing parameters laid out in Act 55, SLH 2017—without further legislative fixes.

If it’s not broken, don’t fix it.

Based on our understanding, the Judiciary is permitted to create and/or participate in any specialty courts or projects that it chooses,² and does not need further legislative authority to do so. Moreover, nowhere in Act 55, SLH 2017, was it stated that Community Outreach Court was established only as a pilot project.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **respectfully asks this Committee to adopt the Proposed H.D. 2 below** (which shows language we would like deleted as stricken through, and language we would like added as underlined and bolded), in order to:

- provide the necessary funding and personnel for Community Outreach Court to continue to thrive;
- remove the Public Defender as the pass-through entity; and
- leave everything else about Community Outreach Court’s legislative parameters as-is, with the three partner agencies working toward further expansion of the program.

Thank you for this opportunity to testify on H.B. 1954.

² *See* “Special Projects & Events,” found under the Hawaii State Judiciary’s website, which lists “a few of the major projects currently in progress,” including DWI Court, Girls Court, Mental Health Court, and Veterans Treatment Court, none of which were legislatively created. Available online at https://www.courts.state.hi.us/special_projects/special_projects; last accessed on January 31, 2024. *Also see* “Specialty Courts and Programs,” under the Legislative Reference Bureau of Hawaii’s online guide regarding the Judiciary, listing the same specialty courts without any legislative creation, pp. 9-12 (labeled at bottom as pp. 192-194). Available online at: https://lr.b.hawaii.gov/wp-content/uploads/Judiciary_guide.pdf; last accessed January 31, 2024.

A BILL FOR AN ACT

RELATING TO THE COMMUNITY OUTREACH COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. ~~The legislature finds that increased~~
2 ~~homelessness on the island of Oahu has led to more arrests and~~
3 ~~citations for nonviolent crimes. These crimes include drinking~~
4 ~~liquor in public; being in public parks after hours;~~
5 ~~trespassing; and illegal lodging on sidewalks, beaches, and in~~
6 ~~other public places. Many persons who receive citations are~~
7 ~~unable to attend court or have misplaced their paperwork due to~~
8 ~~the transient and unstable nature of homelessness. When a~~
9 ~~person fails to appear for court and has no known address, the~~
10 ~~courts are left with no option but to issue a bench~~
11 ~~warrant. This can be traumatic for the person and expends law~~
12 ~~enforcement officers' time and resources.~~

13 ~~—— To help address these issues, the judiciary, office of~~
14 ~~the public defender, and department of the prosecuting attorney~~
15 ~~of the city and county of Honolulu established a community~~
16 ~~outreach court project to make court appearances more accessible~~
17 ~~to homeless persons. The legislature formalized the community~~
18 ~~outreach court in Act 55, Session Laws of Hawaii 2017. The~~

1 ~~court's goal is to assist nonviolent offenders who are charged~~
2 ~~with offenses that disproportionately impact the homeless~~
3 ~~community. Court sessions are held in community locations where~~
4 ~~large homeless populations are located. The court can resolve~~
5 ~~active charges and utilize alternative sentencing in cases where~~
6 ~~the offender is unable to pay fines and fees. Resolving a~~
7 ~~person's pending cases, and avoiding bench warrants, leaves the~~
8 ~~person in a better position to obtain basic necessities,~~
9 ~~including employment, income assistance, and housing. Community~~
10 ~~outreach court social workers can also assess the person to~~
11 ~~determine their need for mental health services, substance abuse~~
12 ~~treatment, sustenance or shelter assistance, or other~~
13 ~~appropriate social services. The social worker can also help~~
14 ~~arrange other referred services.~~

15 ~~—— The legislature recognizes that the community outreach~~
16 ~~court program has been successful. Since its inception, the~~
17 ~~program has addressed more than ten thousand cases, recalled~~
18 ~~more than nine hundred bench warrants, lifted more than six~~
19 ~~thousand driver license stoppers, and assisted more than six~~
20 ~~hundred participants with social services or referrals.~~

21 ~~—— Accordingly, the purpose of this Act is to permanently~~
22 ~~establish and appropriate moneys for the community outreach~~
23 ~~court as a division of the district court of the first~~

1 ~~ircuit.~~The purpose of this Act is to appropriate funding for
 2 all current and newly requested community outreach court funded
 3 positions and other program expenses, as that program was
 4 established under Act 55, Session Laws of Hawaii 2017. The
 5 funding requests for positions include fringe benefit
 6 calculations.

7 SECTION 2. ~~The Hawaii Revised Statutes is amended by~~
 8 ~~adding a new chapter to be appropriately designated and to read~~
 9 ~~as follows:~~

10 **~~"CHAPTER~~**
 11 **~~COMMUNITY OUTREACH COURT~~**

12 ~~§ -1 Community outreach court; establishment. (a) The~~
 13 ~~community outreach court is established as a division of the~~
 14 ~~district court of the first circuit.~~

15 ~~(b) The community outreach court shall be held at any duly~~
 16 ~~designated location within the first judicial circuit by any~~
 17 ~~designated judge of the community outreach court.~~

18 ~~§ -2 Jurisdiction. (a) The community outreach court~~
 19 ~~shall have concurrent jurisdiction with all district courts of~~
 20 ~~the first circuit to consider and adjudicate nonviolent,~~
 21 ~~non-felony criminal and traffic offenses, including traffic~~
 22 ~~infractions under chapter 291D, charged to offenders deemed~~

1 ~~appropriate, after application and acceptance, for participation~~
2 ~~in the community outreach court.~~

3 ~~—— (b) In any case in which it has jurisdiction, the~~
4 ~~community outreach court shall exercise general equity powers as~~
5 ~~authorized by law. Nothing in this chapter shall be construed~~
6 ~~to limit the jurisdiction and authority of any judge designated~~
7 ~~as a judge of the community outreach court on matters within the~~
8 ~~scope of this chapter.~~

9 ~~—— § -3 Principles and components of the court. The~~
10 ~~community outreach court shall:~~

11 ~~—— (1) Facilitate the early identification and timely~~
12 ~~placement of eligible offenders;~~

13 ~~—— (2) Foster cooperation between the prosecuting attorney~~
14 ~~and defense attorney to resolve cases;~~

15 ~~—— (3) Utilize alternative sentencing, including community~~
16 ~~service sentences, and support the offender's participation in~~
17 ~~programs based on the person's needs, including mental health~~
18 ~~services, substance abuse treatment, sustenance or shelter~~
19 ~~assistance, or other social services;~~

20 ~~—— (4) Establish a coordinated strategy to respond to an~~
21 ~~offender's compliance or noncompliance with the offender's~~
22 ~~sentence; and~~

1 ~~— (5) Encourage partnerships between the court, public~~
2 ~~agencies, community-based organizations, and other entities, to~~
3 ~~maximize the court's effectiveness.~~

4 ~~— § 4 Rules. The supreme court shall adopt rules~~
5 ~~regarding the administration, operation, and procedures of the~~
6 ~~community outreach court."~~

7 ~~— SECTION 3. Act 55, Session Laws of Hawaii 2017, is~~
8 ~~repealed.~~

9 ~~— SECTION 4.~~ In accordance with section 9 of article VII, of
10 the Constitution of the State of Hawaii and sections 37-91 and
11 37-93, Hawaii Revised Statutes, the legislature has determined
12 that the appropriations contained in this Act will cause the
13 state general fund expenditure ceiling for fiscal year 2024-2025
14 to be exceeded by \$, or per cent. The reasons
15 for exceeding the general fund expenditure ceiling are that the
16 appropriations made in this Act are necessary to serve the
17 public interest and to meet the needs provided for by this Act.

18 SECTION 53. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$854,900 or so much
20 thereof as may be necessary for fiscal year 2024-2025 to
21 establish permanent positions in support of the community
22 outreach court, including:

1 (1) \$96,100 each for four full-time equivalent (4.0 FTE)
2 court clerk positions;

3 (2) \$72,500 for one full-time equivalent (1.0 FTE) court
4 bailiff position;

5 (3) \$81,500 for one full-time equivalent (1.0 FTE) adult
6 client services branch judicial clerk V position; and

7 (4) \$105,500 each for three full-time equivalent (3.0 FTE)
8 adult client services position.

9 The sum appropriated shall be expended by the judiciary for
10 the purposes of this Act.

11 SECTION ~~6~~4. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$250,000 or so much
13 thereof as may be necessary for fiscal year 2024-2025 for two
14 full-time equivalent (2.0 FTE) deputy sheriff positions to
15 support the community outreach court.

16 The sum appropriated shall be expended by the department of
17 law enforcement for the purposes of this Act.

18 SECTION ~~7~~5. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$288,500 or so much
20 thereof as may be necessary for fiscal year 2024-2025 for
21 permanent positions in support of the community outreach court,
22 including:

1 (1) \$131,000 for one full-time equivalent (1.0 FTE) deputy
2 public defender;

3 (2) \$87,500 for one full-time equivalent (1.0 FTE)
4 paralegal; and

5 (3) \$70,000 for one full-time equivalent (1.0 FTE) social
6 worker or mental health worker, assigned to the office of the
7 public defender.

8 The sum appropriated shall be expended by the office of the
9 public defender for the purposes of this Act.

10 SECTION ~~8~~6. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$310,000 or so much
12 thereof as may be necessary for fiscal year 2024-2025 for
13 permanent positions in support of the community outreach court,
14 including:

15 (1) \$170,000 for one full-time equivalent (1.0 FTE) deputy
16 prosecuting attorney;

17 (2) \$80,000 for one full-time equivalent (1.0 FTE)
18 paralegal; and

19 (3) \$60,000 for one full-time equivalent (1.0 FTE) legal
20 assistant.

21 The sum appropriated shall be expended by the office of the
22 prosecuting attorney of the city and county of Honolulu for the
23 purposes of this Act.

1 SECTION ~~9~~7. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$40,000 or so much
3 thereof as may be necessary for fiscal year 2024-2025 for the
4 operations of the community outreach court, including security,
5 equipment, training, and other operational needs.

6 The sum appropriated shall be expended by the judiciary for
7 the purposes of this Act.

8 ~~SECTION 10. This Act does not affect rights and duties~~
9 ~~that matured, penalties that were incurred, and proceedings that~~
10 ~~were begun before its effective date.~~

11 SECTION ~~11~~8. This Act shall take effect on July 1, 2024.

INTRODUCED BY: _____

PARTNERS IN CARE

Oahu's Continuum of Care

Our mission is to eliminate homelessness through open and inclusive participation and the coordination of integrated responses.

TESTIMONY IN SUPPORT OF HB 1954 HD1: RELATING TO COMMUNITY OUTREACH COURT

TO: House Committee on Judiciary & Hawaiian Affairs
FROM: Partners In Care (PIC)
Hearing: **Tuesday, 2/13/24; 2:00pm; CR 325 or via videoconference**

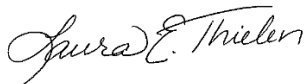
Chair Tarnas and Members of the House Committee on Judiciary & Hawaiian Affairs:

Thank you for the opportunity to provide testimony **in strong support of HB1954 HD1: Relating to Community Outreach Court**, which appropriates funding for positions and makes the Court a permanent program.

Partners In Care (PIC) is a coalition of more than 60 non-profit homelessness providers and concerned organizations. We have been working closely with the Community Outreach Court over the last several years and they have been a key partner to assist those experiencing homelessness to access services and housing. Team members partner with outreach providers across O'ahu to visit people on the streets and on our beaches. Addressing legal problems is often not possible for those experiencing homelessness due to lack of resources, transportation, unwillingness to leave their belongings, lack of proper identification, physical and mental health ailments. The Community Outreach Court links people to necessary services and assists other homelessness services programs stay connected. PIC recently gave the Community Outreach Court access to our Homeless Management Information System (HMIS) with the intent of providing continuity of care and to remain engaged with care teams working side by side with those experiencing homelessness.

Thank you for the opportunity to provide testimony in support of HB 1954 HD1. Please do not hesitate to reach out to PIC for any additional information.

Mahalo,



Laura E. Thielen
Executive Director
Partners In Care – O'ahu Continuum of Care



National Alliance on Mental Illness Hawaii
A State Organization of NAMI

TO: The Honorable David A. Tarnas
Chair, House Committee on Judiciary and Hawaiian Affairs
The Honorable Gregg Takayama
Vice Chair, House Committee on Judiciary and Hawaiian Affairs

FROM: Trisha Chaung
Advocacy Manager, NAMI Hawaii

RE: HB 1954 HD1 – RELATING TO THE COMMUNITY OUTREACH COURT

HEARING: February 13, 2024 at 2:00 PM

POSITION: NAMI Hawaii supports HB 1954 HD1

NAMI Hawaii writes in support of HB 1954 HD1 and stands on the testimony we previously submitted to the House Committee on Health and Homelessness. In our role as a mental health nonprofit offering free education, support groups, and community-building events to those impacted by mental illness (peers and family members), and as a key organizer/instructor in crisis intervention training for local law enforcement, we often encounter individuals whose interactions with the criminal justice system threatened their hope for recovery rather than bolstered it. We support the permanent establishment of the community outreach court as part of a strategy to reduce incarceration and promote diversion from further involvement in the criminal justice system for people with mental illness.

Mental illness is not a crime, but untreated symptoms and limited access to care lead many to involvement with the criminal justice system. Many of these individuals are held for committing non-violent, minor offenses and misdemeanors resulting from the symptoms of untreated illness (disorderly conduct, loitering, trespassing, disturbing the peace) or for offenses like shoplifting and petty theft.

Additionally, people with mental illness are overrepresented in the unhoused population: 1 in 5 people experiencing homelessness in the U.S. has a serious mental health condition (in contrast to 1 in 25 people nationwide). Homelessness has a profoundly negative impact on mental health, and children are especially susceptible to the psychological effects of homelessness and housing instability.

Instead of charging people who are experiencing homelessness with crimes, we need to address their underlying need(s). Public policies should invest in solutions that are evidence-based and help people with mental illness get on a path of recovery. We believe in helping people with mental illness *while* preserving their dignity, and oppose the continued criminalization of people with mental illness. We support investments in early intervention, comprehensive community mental health services, robust crisis response systems, and justice diversion strategies to decriminalize people with mental illness and connect them to care. The community outreach court, with its demonstrated effectiveness in recalling bench warrants and connecting individuals to services, is such an investment, but it should not be the last and/or only step in helping those experiencing homelessness and mental illness.

In future, we encourage the establishment of more pilot programs to bolster the positive impacts of this program, such as assisted community treatment and behavioral crisis centers/respite centers, which will engage higher-need individuals in treatment so that efforts lead to long-term recovery beyond the period that the community outreach court is involved.

NAMI Hawaii is grateful for the intention and demonstrated outcomes of the community outreach court, and for the vision, diligence, and compassion of all involved. Thank you for the opportunity to once again provide testimony on HB 1954.

HB-1954-HD-1

Submitted on: 2/13/2024 1:55:55 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
N/A	ACLU of Hawaii	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama and Committee members:

ACLU of Hawai'i supports **H.B. 1954 H.D. 1** that permanently establishes and appropriates moneys for the Community Outreach Court as a division of the District Court of the First Circuit.

We recommend the following amendments to build upon the success of the Community Outreach Court and to promote transparency and accountability for publicly funded programs:

1. Expand eligibility criteria for acceptance into the Community Outreach Court;
2. Require the Judiciary to submit an Annual Report to the State Legislature highlighting demographic data relating to program participants (as well as persons rejected from the program), benchmarks and outcomes of the Community Outreach Court; and
3. Require the Judiciary to hire a third-party evaluator within three years to conduct a cost-benefit analysis of the Community Outreach Court.

Together, these recommended amendments will enhance transparency and accountability within the Community Outreach Court and provide lawmakers with critical data to evaluate program efficacy and future budget appropriations.

Sincerely,

Carrie Ann Shirota

ACLU of Hawai'i Policy Director

Opportunity Youth Action Hawai‘i

February 13, 2024

Senate Committee on Judiciary and Hawaiian Affairs

Hearing Time: 2:00 PM

Location: State Capitol Conference Room 325

Re: HB1954 HD1

Aloha e Chair Tarnas, Vice Chair Takayama, and members of the Committee,

On behalf of the Opportunity Youth Action Hawai‘i hui, we are writing in **strong support** of HB1954 HD1, relating to the community outreach court. This bill permanently establishes and appropriates moneys for the Community Outreach Court as a division of the District Court of the First Circuit. HB1954 HD1 would be effective 7/1/3000.

The establishment of the Community Outreach Court is a proactive and innovative approach to addressing the underlying issues that contribute to criminal behavior. By providing a specialized court focused on rehabilitation, treatment, and community support, we have the opportunity to break the cycle of crime and incarceration, ultimately leading to safer and healthier communities for all. By allocating resources to this initiative, we demonstrate our commitment to investing in evidence-based solutions that have the potential to yield significant long-term benefits for individuals, families, and society as a whole.

Community Outreach Courts are beneficial for several reasons. They address the complex needs of individuals involved in the justice system through a more holistic approach, and recognize that many offenders face underlying issues including substance abuse, mental health disorders, homelessness, or unemployment. Outreach courts offer comprehensive support services to help address these root causes. A primary goal of outreach courts is to promote rehabilitation and treatment over incarceration. These courts connect offenders with resources such as drug treatment programs, mental health counseling, job training, and housing assistance.

Opportunity Youth Action Hawai‘i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

Please support HB1954 HD1.

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