

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Testimony of
John M. Mizuno
Governor's Coordinator on Homelessness
Before the
HOUSE COMMITTEE ON FINANCE
Wednesday, March 27, 2024
2:00 p.m., Conference Room 308, State Capitol

In Support of
SENATE BILL NO. 2556 SD2 HD2
RELATING TO THE COMMUNITY OUTREACH COURT

Aloha Chair Yamashita, Vice Chair Kitagawa, and Committee Members,

I **strongly support Senate Bill No. 2556 SD2 HD2**, which permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. This measure will ensure that persons experiencing homelessness or who have recently experienced homelessness have access to the Community Outreach Court. I respectfully request that any appropriation does not reduce or replace priorities in the executive budget.

I commend the legislature for establishing this program, and the judiciary for its efforts to reach those experiencing homelessness. For 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

JON N. IKENAGA
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March 25, 2024

Committee on Finance
Rep. Kyle T. Yamashita, Chair
Rep. Lisa Kitagawa, Vice Chair
415 South Beretania Street, Conf. Rm. 308
State Capital
Honolulu, HI 96813

Re: Testimony in Support of S.B. 2556, SD2, HD2
Hearing: March 27, 2024, 2:00 PM

Dear Chair Yamashita, Vice Chair Kitagawa and Committee Members:

This letter is in support of S.B. 2556, SD 2, HD 2 which would permanently establish and appropriate moneys for the Community Outreach Court (“COC”) as a division of the District Court of the First Circuit. The Office of the Public Defender (“OPD”) supports this bill to the extent that it does not adversely impact priorities identified in the Executive Supplemental Budget Request for FY2025.

Since 2017, the OPD, the Department of the Prosecuting Attorney (“DPA”) and the Judiciary have worked in concert to assist nonviolent offenders resolve pending and adjudicated offenses through alternative sentencing, including community service. Having reviewed and been advised of the DPA’s testimony and concerns with S.B. 2556, SD2, HD2, the OPD objects to the DPA’s request to include Section 4 of Act 55 in the present bill. Inclusion of Section 4 of Act 55 is unnecessary and will inhibit the organic growth and development of COC. Both the OPD and Judiciary are in agreement as to the joint and coordinated strategy and approach to COC, involving the OPD, DPA and Judiciary, to best enable the program to continue to grow and evolve.

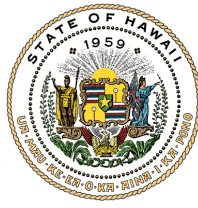
In addition, the OPD proposes to amend S.B. 2556, SD2, HD2, Section -3, (2) to be amended from, “Foster cooperation between the prosecuting attorney and public defender to resolve cases;” to “Foster cooperation between **state and/or county law enforcement agencies** and public defender to resolve cases[.]” The proposed amendment is based on the addition of the Department of the Attorney General initiating prosecution of qualifying citations and offenses which may preclude admission of otherwise qualified participants into COC.

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

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 SENATE BILL 2556, SENATE DRAFT 2, HOUSE DRAFT 2

RELATING TO THE COMMUNITY OUTREACH COURT

Before the House Committee on Finance

Wednesday, March 27, 2024; 2:00 p.m.

State Capitol Conference Room 308, Via Videoconference

Testifiers: Michael Vincent

Chair Yamashita, Vice Chair Kitagawa, and members of the Committee:

The Department of Law Enforcement (DLE) **strongly supports** Senate Bill 2556, Senate Draft 2, House Draft 2.

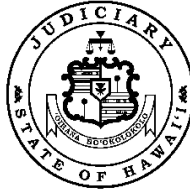
This bill establishes the Community Outreach Court and provides funding for agencies and partners needed for the successful operation of the Community Outreach Court.

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.

Section 6 of this bill includes and 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 continues to request \$250,000 for this appropriation.

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



The Judiciary, State of Hawaii

Testimony to the House Committee on Finance

Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Wednesday, March 27, 2024 at 2:00 p.m., Agenda #1
State Capitol, Conference Room 308

by

Brook Mamizuka
Probation Administrator

Bill No. and Title: Senate Bill No. 2556, SD2, HD2, Relating to the Community Outreach Court

Purpose: Permanently establishes and appropriates moneys relating to the Community Outreach Court as a division of the District Court of the First Circuit. Effective 7/1/3000. (HD1)

Judiciary's Position:

The Judiciary strongly supports SB2556, SD2, HD2 and would like to thank the Senate Committee on Judiciary and the House Committee on Judiciary and Hawaiian Affairs for their thoughtful amendments to the original proposed SB2556, leading to SB2556, SD2, HD2 and the House Committee on Finance for hearing this measure today.

The Judiciary respectfully requests that the defective date of July 1, 3000 on Page 8, Section 11 of this bill be amended to take effect on July 1, 2024.

As the legislature is aware, Community Outreach Court is an important means to address the needs of a growing population in our community, the homeless. Homeless individuals find it difficult – if not impossible – to enjoy the many privileges that most of us take for granted. For example, the right to shelter, food and clothing are often unattainable due to a homeless individual's unstable living environment. Community Outreach Court meets homeless individuals where they live in our communities, addresses the underlying issues that brought



them into the judicial system, offers opportunities to resolve their legal matters while also helping them address their basic needs like obtaining shelter, food and clothing.

As the legislature is aware, many homeless individuals have underlying mental health and/or substance use/abuse/dependence issues that, oftentimes, go undetected and/or untreated. Through Community Outreach Court staff's outreach work, the direct contact we have with homeless individuals in our community is one-on-one, getting to know them as individuals, building relationships with them and connecting them with service providers who are able to help address their needs, when the individual is willing to accept the help.

Community Outreach Court is an essential means for our homeless communities to address their legal matters, while also coordinating efforts to provide referrals for much-needed assistance with basic necessities like shelter, food and clothing.

Last month, Community Outreach Court was featured in a public radio broadcast in Oregon, where a municipal court launched its version of a community outreach court. Our Community Outreach Court in Hawaii was considered a model for the Medford, Oregon court, currently in its infancy stage. We are grateful to the legislature for its support of Community Outreach Court and extremely proud of all of the accomplishments of the stakeholders in having been featured in the public radio program. A link to the Jefferson Public Radio broadcast can be found here: [Medford's new community outreach court takes justice to the streets | Jefferson Public Radio \(ijpr.org\)](https://www.ijpr.org/news/medford-new-community-outreach-court-takes-justice-to-the-streets).

Due to the nature of the court going into the community and meeting homeless individuals where they live, rather than having them come to a brick and mortar building, means recreating a courtroom in community spaces, like the Waianae Public Library. Staffing and equipment requirements, including transporting staff and equipment to and from community sites, requires appropriations not included in the Judiciary's budget. Continued funding for positions in the Office of the Prosecuting Attorney, and County of Honolulu, Office of the Public Defender, State of Hawaii, as well as the Judiciary's request for continued funding, as well as additional positions, is essential for smooth and efficient court operations to address the myriad needs of those coming to the court.

As noted in the preamble to this measure, since its inception, Community Outreach 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. In addition to these benefits, the Judiciary respectfully requests that the committee also consider the positive impact Community Outreach Court has on its participants, their family members and the broader community, in general.



Senate Bill No. 2556, SD2, HD2 Relating to the Community Outreach Court
House Committee on Finance
Tuesday, March 27, 2024
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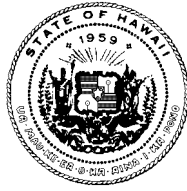
For example, one participant's ability to obtain vital documents opens the door for that individual to obtain a driver's license, employment and, importantly, housing. In turn, self-sufficiency may reduce reliance on government support and increase contributions to our economy. These achievements may seem inconsequential to those fortunate to take food, shelter, education, and employment for granted; however, when measured in terms of a former participant's self-esteem, ability to care for one's self and family, these achievements are enormous.

Recently, Community Outreach Court -- in conjunction with First Circuit Specialty Courts -- held a unified "Services Fair" on the lanai of Kaahumanu Hale in downtown Honolulu. More than thirty service providers met the needs of countless court participants who are experiencing or have experienced homelessness. The event was a success by any measure with free haircuts, food and clothing, showers and services available to the participants. We believe participation in Community Outreach Court's program and services offers our homeless communities on Oahu assistance and hope in a time when it is critically needed.

We respectfully request that the House Committee on Finance approve SB 2556, SD2, HD2 to help make Community Outreach Court permanent so it may continue to address the needs of our homeless communities on Oahu.

Thank you for the opportunity to offer testimony in support of SB2556, SD2, HD2.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
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KA 'OIHANA MĀLAMA LAWELAWE KANAKA
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TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

March 26, 2024

TO: The Honorable Representative Representative Kyle T. Yamashita, Chair
House Committee on Finance

FROM: Cathy Betts, Director

SUBJECT: **SB 2556 SD2 HD2 – RELATING TO THE COMMUNITY OUTREACH COURT.**

Hearing: March 27, 2024, 2:00 p.m.
Conference Room 308, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure and defers to the Judiciary, the Department of the Prosecuting Attorney, and the Office of the Public Defender. DHS respectfully requests that any appropriation not reduce or replace the budget priorities identified in the executive budget.

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. (HD2)

The Judiciary Committee (SD1) amended this measure by:

- (1) Clarifying that the Community Outreach Court shall foster cooperation between the prosecuting attorney and the public defender, not a defense attorney, to resolve cases;
- (2) Deleting language that would have required the Supreme Court to adopt rules regarding the administration, operation, and procedures of the Community Outreach Court; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The Committee on Ways and Means (SD2) further amended the measure by:

- (1) Changing all of the measure's appropriations to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

The Committee on Health & Homelessness (HD1) amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The Committee on Judiciary and Hawaiian Affairs (HD2) further amended the measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

This collaborative program brings the system stakeholders together and efficiently uses 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 of the individual's situation and refer them to appropriate services. It also aims to prevent further involvement in the justice system.

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

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

STEVEN S. ALM
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FIRST DEPUTY PROSECUTING ATTORNEY
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**THE HONORABLE KYLE YAMASHITA, CHAIR
HOUSE COMMITTEE ON FINANCE
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i**

March 27, 2024

RE: S.B. 2556, S.D. 2, H.D. 2; RELATING TO THE COMMUNITY OUTREACH COURT.

Chair Yamashita, Vice Chair Kitagawa, 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, **opposing** S.B. 2556, S.D. 2, H.D. 2 unless it is amended to include parameters for Community Outreach Court as laid out in Act 55, SLH 2017. Act 55, SLH 2017 (hereafter referred to as "Act 55") established Community Outreach Court (COC) and clearly outlined processes of COC, which are not included in the current bill.

Given the program's proven track record and success since 2016, and formally since 2017, the Department respectfully asks that this Committee amend S.B. 2556, S.D. 2, H.D. 2 with the parameters laid out in Act 55, which have proven to be so successful. This will allow COC to continue to function safely and effectively, and grow incrementally.

While testifying on this bill before the House Committee on Judiciary and Hawaiian Affairs on March 20, 2024, the Probation Administrator for the Hawai'i State Judiciary testified, "I don't see a problem with adding those specific things the Prosecutor is asking for."

Act 55 states, "Under the project, the court shall hold hearings at community sites to dispose of cases for which **the prosecuting attorney and public defender have negotiated and reached plea agreements on the disposition of the defendants.**" This language, or language to the same effect, is essential to avoid having inappropriate defendants admitted into COC. The bill, in its current form, eliminates the advanced agreement by both the Prosecuting Attorney and the Office of the Public Defender to determine the eligibility of participants. This would even

allow defendants on bench warrant status to clear their bench warrants without prosecutor discretion.

The Department supports COC and the Public Defender's desire to end their role as the "pass-through" entity for COC funding, and further supports any additional personnel needs, which the Public Defender, Judiciary, and this Department believe are necessary to expand COC to other communities on O'ahu.

The bill, however, goes further and creates a new chapter in the Hawai'i Revised Statutes for COC and repeals the enabling legislation of Act 55. By repealing Act 55, the very processes that provide for the safety of the community would be eliminated.

The COC process parameters are spelled out in Section 4, Act 55, SLH 2017¹:

"SECTION 4. **Project process.** (a) Under the project, the court shall hold hearings at community sites to dispose of cases for which the prosecuting attorney and public defender have negotiated and reached plea agreements on the disposition of the defendants.

(b) Only cases involving nonviolent, nonfelony offenses under state law and city ordinance may be heard and disposed of under the project.

(c) The public defender shall engage a social service or health care professional to provide outreach services to defendants charged with the identified offenses who:

(1) Are willing to participate in the project;

(2) Are willing to be represented by the public defender; and

(3) May benefit from participation in the project. After consulting with the social service or health care professional, the public defender shall develop a list of the defendants who are potential participants in the project and transmit the list to the prosecuting attorney.

(d) The prosecuting attorney shall review the list and may select from the list those defendants who the prosecuting attorney determines may be appropriate for participation in the project. The prosecuting attorney shall enter into plea agreement negotiations with the public defender for disposition of those defendants.

(e) The plea agreement for a defendant may include a proposed fine, community service, court-ordered treatment, other court-ordered condition, or any other action that the court has the authority to take.

(f) At the hearing, the court may finalize the plea agreement by court order or judgment; provided that the court shall not be bound by the proposed disposition in the plea agreement."

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **respectfully asks this Committee to remove the Public Defender as the pass-through entity, provide the necessary funding and personnel for the expansion of COC, and maintain the parameters for COC as established in Act 55 (SLH 2017).**

Thank you for this opportunity to testify on S.B. 2556, S.D. 2, H.D. 2.

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



SB2556 SD2 HD2 Community Outreach Court for Homeless

COMMITTEE ON FINANCE

Rep. Kyle T. Yamashita, Chair
Rep. Lisa Kitagawa, Vice Chair

Wednesday, Mar 27, 2024: 2:00 : Room 308

Hawaii Substance Abuse Coalition Supports SB2556 SD2 HD2:

ALOHA CHAIRS, VICE CHAIRS, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

This bill will foster improvements:

- Better communications between the prosecutor's office and the public defender's office.
- The additional funding can help resolve staffing concerns.
- Moreover, the outreach can assist the homeless with identification issues, transportation, housing, and finances.
- HSAC stresses how continuing case management over time is key to success.

It's important to permanently fund a successful outreach court to help the homeless remove court barriers and unnecessary bench warrants while engaging in housing and case management.

More than half of the homeless will want to access treatment once they have housing and benefits, according to SAMHSA. They then want to achieve some form of recovery through co-occurring disorder treatment for an improved quality of life.

We appreciate the opportunity to provide testimony.