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KE KIA'ĀINA



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KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
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TRISTA SPEER  
DEPUTY DIRECTOR  
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March 11, 2024

TO: The Honorable Representative Della Au Belatti, Chair  
House Committee on Health & Homelessness

FROM: Cathy Betts, Director

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

Hearing: March 13, 2024, 9:00 a.m.  
Conference Room 329, 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 the appropriation not reduce or replace budget priorities identified in the executive budget.

**PURPOSE:** This bill permanently establishes and appropriates moneys relating to the Community Outreach Court as a division of the District Court of the First Circuit. Declares that the appropriations exceed the state general fund expenditure ceiling for 2024-2045. Effective 7/1/2050. (SD2)

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.

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 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.



## *The Judiciary, State of Hawaii*

### **Testimony to the House Health & Homelessness**

Representative Della Au Belatti, Chair  
Representative Jenna Takenouchi, Vice Chair

Wednesday, March 13, 2024 at 9:00 a.m.  
State Capitol, Conference Room 329

by

Brook Mamizuka  
Probation Administrator

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**Bill No. and Title:** Senate Bill No. 2556, SD2, 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. Declares that the appropriations exceed the state general fund expenditure ceiling for 2024-2025. Effective 7/1/2050. (SD2)

### **Judiciary's Position:**

The Judiciary strongly supports SB2556, SD2 and would like to thank the Senate Committee on Judiciary for its thoughtful amendments to the original proposed SB2556, leading to SB2556, SD2 and the House Committee on Health and Homelessness for hearing this measure today.

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.



Senate Bill No. 2556, SD2, Relating to the Community Outreach Court  
Committee on Health & Homelessness  
March 13, 2024  
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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 in Oregon recently started a community outreach court. Our Community Outreach Court in Hawai'i 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 being 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 \(ijpr.org\)](#).

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. Funding for additional positions in the Office of the Prosecuting Attorney, City and County of Honolulu, Office of the Public Defender, State of Hawaii, as well as the judiciary is essential for smooth and efficient court operations to address the myriad needs of those coming to the court.

In terms of a cost-benefit analysis, the Community Outreach Court's reach and involvement with the homeless communities on Oahu is not easily measured in terms of dollars and cents. The Judiciary respectfully requests that the committee consider the positive impact Community Outreach Court has on its participants, their family members and the broader community, in general. 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.



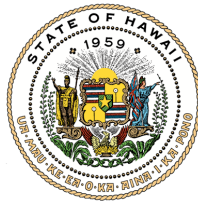
Senate Bill No. 2556, SD2, Relating to the Community Outreach Court  
Committee on Health & Homelessness  
March 13, 2024  
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The Judiciary respectfully requests that the defective date of July 1, 2050 on Page 9, Section 11 of this bill be amended to take effect on July 1, 2024.

We humbly request that the House Committee on Health and Homelessness approve SB 2556, SD2 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.

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  
RELATING TO THE COMMUNITY OUTREACH COURT  
Before the House Committee on Health & Homelessness  
Wednesday, March 13, 2024; 9:00 a.m.  
State Capitol Conference Room 329, Via Videoconference  
Testifier: Michael Vincent

Chair Belatti, Vice Chair Takenouchi, and members of the Committee:

The Department of Law Enforcement (DLE) **strongly supports** Senate Bill 2556.

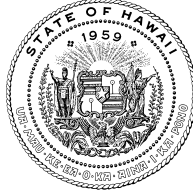
This bill establishes the Community Outreach Court and provides funding for agencies and partners needed for the successful operation of the Community Outreach Court.

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.



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 HEALTH & HOMELESSNESS**  
Wednesday, March 13, 2024  
9:00 a.m., Conference Room 329

In consideration of  
**Senate Bill No. 2556 SD2**  
**RELATING TO THE COMMUNITY OUTREACH COURT**

Aloha Chair Belatti, Vice Chair Takenouchi, and Committee Members,

I am writing in **strong support** of SB2556 SD2 to 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

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



**THE HONORABLE DELLA AU BELATTI, CHAIR  
SENATE COMMITTEE ON HEALTH AND HOMELESSNESS  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawai'i**

March 13, 2024

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

Chair Au Belatti, Vice Chair Takenouchi, and members of the Senate Committee on Health and Homelessness, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, **opposing** any portion of S.B. 2556 S.D. 2 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.

The Department requests that the Committee only address the primary challenges for this successful program to continue and to expand: shifting the pass-through funding entity and increase funding for expansion. We support, then, the Public Defender's desire to end their role as the "pass-through" entity for Community Outreach Court (COC) funding, and further support any additional personnel needs, which the Public Defender, Judiciary, and this Department believe are necessary to expand COC to other communities on Oahu.

The bill, however, goes further and creates a new chapter in the Hawaii Revised Statutes for COC and repeals the enabling legislation of Act 55, SLH 2017 (hereafter referred to as "Act 55"). Act 55 established COC and clearly outlined processes of COC, which are not included in the current bill. By repealing Act 55, the very processes that provide for the safety of the community would be eliminated. 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. Repealing Act 55 would even allow defendants on bench warrant status to clear their bench warrants without prosecutor discretion.

Given the program's proven track record and success since 2016, and formally since 2017—under the existing parameters laid out in Act 55—the Department respectfully asks that this Committee allow the Community Outreach Court program to continue to function safely and effectively, and grow incrementally— under the existing parameters laid out in Act 55. The Community Outreach Court process parameters are spelled out in Section 4, Act 55, SLH 2017<sup>1</sup>:

“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.”

Establishing a separate chapter in HRS for COC is also unnecessary as the Judiciary is already permitted under the Hawaii Revised Statutes to create and/or participate in any specialty courts or projects that it chooses,<sup>2</sup> and does not need further legislative authority to do so.

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<sup>1</sup> See Act 55, Session Laws of Hawaii 2017, p. 3, Ins. 15-17. Available online at [https://www.capitol.hawaii.gov/session/archives/measure\\_indiv\\_Archives.aspx?billtype=SB&billnumber=718&year=2017](https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=718&year=2017)

<sup>2</sup> 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](https://www.courts.state.hi.us/special_projects/special_projects). 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://lrb.hawaii.gov/wp-content/uploads/Judiciary\\_guide.pdf](https://lrb.hawaii.gov/wp-content/uploads/Judiciary_guide.pdf)

Moreover, nowhere in Act 55, 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 remove the Public Defender as the pass-through entity, provide the necessary funding and personnel for the expansion of COC, and to not repeal Act 55 (SLH 2017).**

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



## **SB2556 SD2 Community Outreach Court for Homeless**

### **COMMITTEE ON HEALTH & HOMELESSNESS**

Rep. Della Au Belatti, Chair

Rep. Jenna Takenouchi, Vice Chair

Wednesday, Mar 13, 2024: 9:00 : Room 329

### **Hawaii Substance Abuse Coalition Supports SB2556 SD2:**

*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.

**SB-2556-SD-2**

Submitted on: 3/11/2024 11:48:48 AM

Testimony for HLT on 3/13/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Isis Usborne	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Belatti, Vice Chair Takenouchi, and members of the Committee,

I strongly support this bill. Community outreach court is an invaluable aspect of our judiciary that makes resolving court obligations accessible and community oriented for residents.

Mahalo,

- Isis Usborne, 96815

Student at William S. Richardson School of Law