



## *The Judiciary, State of Hawaii*

### **Testimony to the House Committee on Judiciary & Hawaiian Affairs**

Representative David A. Tarnas, Chair  
Representative Gregg Takayama, Vice Chair

Wednesday, March 20, 2024 at 2:00 p.m.  
State Capitol, Conference Room 325

by

Brook Mamizuka  
Probation Administrator

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**Bill No. and Title:** Senate Bill No. 2556, SD2, HD1 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, HD1 and would like to thank the Senate Committee on Judiciary and the House Committee on Health and Homelessness for their thoughtful amendments to the original proposed SB2556, leading to SB2556, SD2, HD1 and the House Committee on Judiciary and Hawaiian Affairs for hearing this measure today.

The Judiciary respectfully requests that the defective date of July 1, 3000 on Page 9, 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 in Oregon recently started 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 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 \(ijpr.org\)](https://www.ijpr.org/2024/03/15/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. 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,



Senate Bill No. 2556, SD2, HD1 Relating to the Community Outreach Court  
House Committee on Judiciary and Hawaiian Affairs  
Tuesday, March 20, 2024  
Page 3

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-five service providers met the needs of countless court participants who are 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 humbly request that the House Committee on Judiciary and Hawaiian Affairs approve SB 2556, SD2, HD1 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, HD1.

**JON N. IKENAGA**  
STATE PUBLIC DEFENDER

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March 18, 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

Re: Testimony in Support of S.B. 2556, SD2, HD1  
Hearing: March 20, 2024, 2:00 PM

Dear Chair Tarnas, Vice Chair Takayama and Committee Members:

This letter is in support of S.B. 2556, SD 2, HD 1 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.

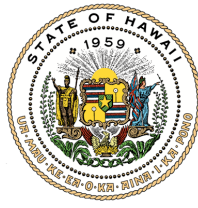
Since 2017, the OPD, the Department of the Prosecuting Attorney and the Judiciary have worked in concert to assist nonviolent offenders resolve pending and adjudicated offenses through alternative sentencing, including community service. COC has been instrumental in recalling and reducing the amount 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

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 1

RELATING TO THE COMMUNITY OUTREACH COURT

Before the House Committee on Judiciary & Hawaiian Affairs

Wednesday, March 20, 2024; 2:00 p.m.

State Capitol Conference Room 325, Via Videoconference

Testifiers: Michael Vincent

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

The Department of Law Enforcement (DLE) **strongly supports** Senate Bill 2556, Senate Draft 2, House Draft 1.

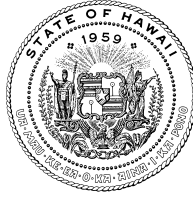
This bill establishes the Community Outreach Court and provides funding for agencies and partners needed for the successful operation of the Community Outreach Court.

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.

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 JUDICIARY & HAWAIIAN AFFAIRS**  
Wednesday, March 20, 2024  
2:00 p.m., Conference Room 325

In consideration of  
**Senate Bill No. 2556 SD2 HD1**  
**RELATING TO THE COMMUNITY OUTREACH COURT**

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

I **strongly support SB2556 SD2 HD1** which establishes and appropriates funds for the Community Outreach Court. 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.

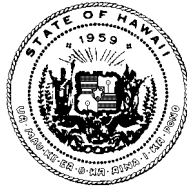
I have witnessed how the program benefits those who are experiencing homelessness. Many people who have lost their housing quickly accumulate citations, fines, and criminal records for nonviolent, misdemeanor offenses such as expired vehicle registrations, sitting or lying on sidewalks, or remaining 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

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

March 19, 2024

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

FROM: Cathy Betts, Director

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

Hearing: March 20, 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 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. (HD1)

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) has 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.

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.



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

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



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

March 20, 2024

**RE: S.B. 2556, S.D. 2, H.D. 1; RELATING TO THE COMMUNITY OUTREACH COURT.**

Chair Tarnas, Vice Chair Takayama, and members of the House Committee on Judiciary and Hawaiian Affairs, 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, H.D.1 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, H.D. 1.

# PARTNERS IN CARE

*Oahu's Continuum of Care*

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

## TESTIMONY IN SUPPORT OF SB 2556 SD2 HD1: RELATING TO COMMUNITY OUTREACH COURT

TO: House Committee on Judiciary & Hawaiian Affairs  
FROM: Partners In Care (PIC)  
Hearing: **Wednesday, March 20<sup>th</sup>, 2024; 2:00 pm; Room 325 & via videoconference**

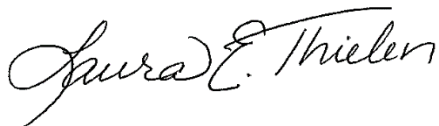
Chair Tarnas and Members of the House Committee on Judiciary & Hawaiian Affairs:

Thank you for the opportunity to provide testimony **in strong support of SB 2556 SD2 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 SB 2556, SD2 HD1. Please do not hesitate to reach out to PIC for any additional information.

Sincerely,



Laura E. Thielen  
Executive Director  
Partners In Care



**SB2556 SD2 HD1 Community Outreach Court for Homeless**  
**COMMITTEE ON JUDICIARY & HAWAIIAN**  
**AFFAIRS**

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Wednesday, Mar 20, 2024: 2:00 : Room 325

**Hawaii Substance Abuse Coalition Supports SB2556 SD2 HD1:**

*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.



Hawai'i

Committee: Judiciary and Hawaiian Affairs  
Hearing Date/Time: Wednesday, March 20, 2024, at 2:00pm  
Place: Conference Room 325 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of S.B.2556 SD2 HD1 Relating to the Community Outreach Court**

### **ACLU of Hawai'i Supports S.B. 2556 SD2 HD1 and Proposes Amendments**

Dear Chair Tarnas, Vice Chair Takayama and Committee members:

ACLU of Hawai'i supports **S.B. 2556 SD2 HD1**, which permanently establishes and appropriates moneys for the Community Outreach Court as a division of the District Court of the First Circuit. We acknowledge the success of this specialized Court and recommend the following amendments to build upon the success of the Community Outreach Court:

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 four 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 Shiota**  
Carrie Ann Shiota  
Policy Director  
ACLU of Hawai'i  
[cshiota@acluhawaii.org](mailto:cshiota@acluhawaii.org)

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

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