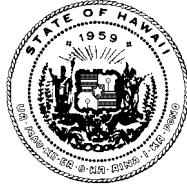


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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
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'OKELE

February 20, 2024

TO: The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways & Means

FROM: Cathy Betts, Director

SUBJECT: **SB 2556 SD1 – RELATING TO THE COMMUNITY OUTREACH COURT.**

Hearing: February 23, 2024, 10:30 a.m.
Conference Room 211, 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.

PURPOSE: This bill permanently establishes and appropriates moneys for the Community Outreach Court as a division of the District Court of the First Circuit. Declares that the general fund expenditure ceiling is exceeded. (SD1)

The Judiciary Committee amended this measure by:

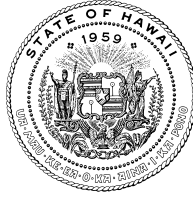
- (1) Clarifying that the Community Outreach Court shall foster cooperation between the prosecuting attorney and the public defender, not a defense attorney, to resolve cases;
- (2) Deleting language that would have required the Supreme Court to adopt rules regarding the administration, operation, and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

February 20, 2024

Page 2

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.



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
Senate Committee on Ways and Means
February 22, 2024
10:05 a.m., Conference Room 211

In consideration of
Senate Bill No. 2556 SD1
RELATING TO THE COMMUNITY OUTREACH COURT

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Committee Members,

I am writing in **strong support** of SB2556 SD1 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

JON N. IKENAGA
STATE PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPEALS SECTION
TEL. NO. 586-2080

DISTRICT COURT SECTION
TEL. NO. 586-2100

FAMILY COURT SECTION
TEL. NO. 586-2300

FELONY SECTION
TEL. NO. 586-2200

FAX (808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY CHENG
ASSISTANT PUBLIC
DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
HILO, HAWAII 96720
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KONA OFFICE
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LIHUE, HAWAII 96766
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FAX NO. 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. 984-5018
FAX NO. 984-5022

February 20, 2024

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Conference Room 211
State Capital
Honolulu, HI 96813
via email: JDCtestimony@capitol.hawaii.gov

Re: Testimony in Support of S.B. 2556, SD 1
Hearing: February 22, 2024, 10:05 AM

Dear Chair Dela Cruz, Vice Chair Moriwaki and Committee Members:

This letter is in support of S.B. 2556 SD 1 to the extent that it permanently establishes 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") also supports that COC should adopt and pass its own policies and rules in a collaborative manner with the OPD, the Department of the Prosecuting Attorney ("DPA") and the Judiciary.

Since 2017, the OPD, the DPA 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



The Judiciary, State of Hawai‘i

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

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Thursday, February 22, 2024 at 10:05 a.m.
State Capitol, Conference Room 211 & Videoconference

by

Brook Mamizuka
Probation Administrator

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2556, S.D. 1, Relating to the Community Outreach Court.

Purpose: Permanently establishes and appropriates moneys for the Community Outreach Court as a division of the District Court of the First Circuit. Declares that the general fund expenditure ceiling is exceeded. (S.D. 1)

Judiciary's Position:

The Judiciary strongly supports S.B. 2556, S.D. 1 and would like to thank the Senate Committee on Judiciary for its thoughtful amendments to the original proposed S.B. 2556, leading to S.B. 2556, S.D. 1.

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



Senate Bill No. 2556, S.D. 1, Relating to Community Outreach Court
Senate Committee on Ways and Means
February 22, 2024
Page 2

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.

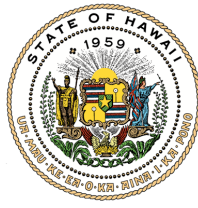
Recently, our court was featured in Jefferson Public Radio's broadcast concerning a new community outreach court conducted in Medford, Oregon. Honolulu's Community Outreach Court was considered a model for the Medford, Oregon court, currently in its infancy stage. We are extremely proud of our staff's accomplishment in having been acknowledged by Medford, Oregon and for the privilege of being featured in its 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/2023/07/12/medford-new-community-outreach-court-takes-justice-to-the-streets/).

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.

We humbly request that the Senate Ways and Means Committee/House Committee on Finance approve the funding requests within S.B. 2556, S.D. 1 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 S.B. 2556, S.D. 1.

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 1
RELATING TO THE COMMUNITY OUTREACH COURT

Before the Senate Committee on Ways and Means

Thursday, February 22, 2024; 10:05 a.m.

State Capitol Conference Room 211, Via Videoconference

WRITTEN TESTIMONY ONLY

Chair Dela Cruz, Vice Chair Moriwaki, 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.

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

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluProsecutor.org

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



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

**THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i**

February 22, 2024

RE: S.B. 2556, SD1; RELATING TO THE COMMUNITY OUTREACH COURT.

Chair Dela Cruz, Vice Chair Moriwaki, and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, **supporting in-part** S.B. 2556 SD1, and **opposing** any portion of S.B. 2556 SD1 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 respectfully submits the attached **Proposed S.D. 2** for the Committee's consideration.

The Department 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, repealing Act 55, SLH 2017 which established the process for Community Outreach Court would eliminate necessary processes that make Community Outreach Court work. Act 55, SLH 2017 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 the success of Community Outreach Court. It makes it clear that both the Department of the Prosecuting Attorney and the Office of the Public Defender must agree in advance before defendants are enrolled to participate in Community Outreach Court. This language is missing from S.B. 2556 SD1.

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.

The Community Outreach Court process parameters are spelled out in Section 4, Act 55, SLH 2017:

“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.”

Based on our understanding, the Judiciary is permitted to create and/or participate in any specialty courts or projects that it chooses,¹ 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.

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*

¹ 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.

*shelter*² (emphasis added), with the added benefit of quickly and efficiently clearing large 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 S.B. 2556 SD1, p. 2, lns. 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.

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 S.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 S.B. 2556 SD1.

² 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.

A BILL FOR AN ACT

RELATING TO THE COMMUNITY OUTREACH COURT.

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

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

~~—To help address these issues, the judiciary, office of the public defender, and department of the prosecuting attorney of the city and county of Honolulu established a community outreach court project to make court appearances more accessible to homeless persons. The legislature formalized the community outreach court in Act 55, Session Laws of Hawaii 2017. The court's goal is to assist nonviolent offenders who are charged with offenses that disproportionately impact the homeless community. Court sessions are held in community locations where large homeless populations are located. The court can resolve active charges and utilize alternative sentencing in cases where the offender is unable to pay fines and fees. Resolving a~~

~~person's pending cases, and avoiding bench warrants, leaves the person in a better position to obtain basic necessities, including employment, income assistance, and housing. Community outreach court social workers can also assess the person to determine their need for mental health services, substance abuse treatment, sustenance or shelter assistance, or other appropriate social services. The social worker can also help arrange other referred services.~~

~~—The legislature recognizes that the community outreach court program has been successful. Since its inception, the program 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.~~

~~—Accordingly, the purpose of this Act is to permanently establish and appropriate moneys for the community outreach court as a division of the district court of the first eircuit.~~
The purpose of this Act is to appropriate funding for all current and newly requested community outreach court funded positions and other program expenses, as that program was established under Act 55, Session Laws of Hawaii 2017. The funding requests for positions include fringe benefit calculations.

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

~~"CHAPTER~~

~~COMMUNITY OUTREACH COURT~~

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

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

~~§ -2 Jurisdiction. (a) The community outreach court shall have concurrent jurisdiction with all district courts of the first circuit to consider and adjudicate nonviolent, non-felony criminal and traffic offenses, including traffic infractions under chapter 291D, charged to offenders deemed appropriate, after application and acceptance, for participation in the community outreach court.~~

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

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

- ~~(1) Facilitate the early identification and timely placement of eligible offenders;~~
- ~~(2) Foster cooperation between the prosecuting attorney and defense attorney to resolve cases;~~
- ~~(3) Utilize alternative sentencing, including community service sentences, and support the offender's participation in programs based on the person's needs, including mental health services, substance abuse treatment, sustenance or shelter assistance, or other social services;~~
- ~~(4) Establish a coordinated strategy to respond to an offender's compliance or noncompliance with the offender's sentence; and~~
- ~~(5) Encourage partnerships between the court, public agencies, community-based organizations, and other entities, to maximize the court's effectiveness.~~

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

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

~~SECTION 4.~~ In accordance with section 9 of article VII, of the Constitution of the State of Hawaii and sections 37-91 and

37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2024-2025 to be exceeded by \$ _____, or _____ per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION ~~5~~3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$854,900 or so much thereof as may be necessary for fiscal year 2024-2025 to establish permanent positions in support of the community outreach court, including:

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

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

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

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

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

SECTION ~~6~~4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000 or so much

thereof as may be necessary for fiscal year 2024-2025 for two full-time equivalent (2.0 FTE) deputy sheriff positions to support the community outreach court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 SB 2556 SD1: RELATING TO COMMUNITY OUTREACH COURT

TO: Senate Committee on Ways and Means
FROM: Partners In Care (PIC)
Hearing: **Thursday, February 22, 2024; 10:05 am; Room 211 & via videoconference**

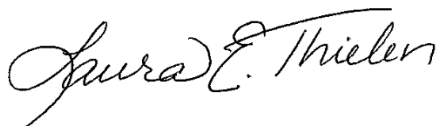
Chair Dela Cruz, Vice Chair Moriwaki and Members of the Senate Committee on Ways and Means::

Thank you for the opportunity to provide testimony **in strong support of SB 2556 SD1: 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, SD1. Please do not hesitate to reach out to PIC for any additional information.

Sincerely,



Laura E. Thielen
Executive Director
Partners In Care



National Alliance on Mental Illness Hawaii
A State Organization of NAMI

TO: The Honorable Donovan M. Dela Cruz
Chair, Senate Committee on Ways and Means
The Honorable Sharon Y. Moriwaki
Vice Chair, Senate Committee on Ways and Means

FROM: Trisha Chaung
Advocacy Manager, NAMI Hawaii

RE: SB 2556 SD1– RELATING TO THE COMMUNITY OUTREACH COURT

HEARING: February 22, 2024 at 10:05 AM

POSITION: **NAMI Hawaii supports SB 2556 SD1**

NAMI Hawaii writes in support of SB 2556 SD1. 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 interfered with their recovery, rather than helped 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 housed people nationwide). Instead of charging people who are experiencing homelessness with crimes, we need to address their underlying need(s). 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.

Public policies should invest in solutions that are evidence-based and that help people with mental illness get on a path of recovery instead of cycling them through systems that do not connect them to meaningful interventions/care. The community outreach court, with its demonstrated effectiveness in recalling bench warrants and referring 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. We also support bills that will establish other 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 provide testimony on SB 2556 SD1.



SB2556 SD1 Community Outreach Court for Homeless

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Sharon Y. Moriwaki, Vice Chair

Thursday, Feb 22, 2024: 10:05 : Room 211 Videoconference

Hawaii Substance Abuse Coalition Supports SB2556 SD1:

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.