



The Judiciary, State of Hawai'i

Testimony to the House Committee on Judiciary

Representative Karl Rhoads, Chair

Representative Sharon E. Har, Vice Chair

Thursday, February 6, 2014, 2:00 p.m.
Conference Room 325

by

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Bill No. and Title: House Bill No. 1638, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2015.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 1638, which reflects the Judiciary's resource requirements for FY 2015. During the informational budget briefings to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 6, 2014, we provided detailed information on our supplemental budget request, our current appropriation and expenditures, and on our caseload and revenue contributions to the State. Consequently, our testimony today will address only the highlights.

The Judiciary recognizes that the economy and overall economic outlook for Hawai'i have significantly improved relative to the last two fiscal biennia. However, as you know and we understand, in keeping with the biennium budget concept, supplemental budget resources will be requested largely to address unforeseen developments, inadvertent oversights, and other special circumstances which might cause hardship on those we serve. In addition, we are quite mindful of the many competing demands for the limited resources available. Accordingly, the Judiciary has tried to be very prudent in its supplemental budget request and focus on only its most pressing needs relative to the clients and public it serves, as well as to its own operations and staff. To that end, the Judiciary is requesting 18 new permanent positions and additional funding of \$4.8 million for FY 2015.



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Two of our requests relate to funding needed for salary adjustments, the first being \$334K for the two percent salary increase set by the 2013 Commission on Salaries for the justices and judges. The second request results from the fact that there currently is no mechanism to adjust the pay of the Administrative Director and Deputy Administrative Director of the Courts. A separate bill has been introduced this legislative session to address this issue and if approved, \$27K would be needed to comply with this bill.

Some of our requests focus on our especially vulnerable clients, that is, our children, those with mental health issues, and others that cannot fend for themselves. For Children's Justice Center, we are requesting funding to replace its interview recording equipment at all locations on each island so that children who have been sexually abused or witnesses to violent crime will not have to be re-interviewed and re-traumatized due to faulty recording equipment that is intermittently breaking down. On January 1, 2014, the vendor discontinued supporting this recording equipment. For Mental Health Court, which was established in 2005 for people with severe mental health issues and was originally budgeted for two probation officer positions and 60 clients, a temporary probation officer position is needed to replace one lost during the economic downturn. This position would allow expansion to 30 clients per probation officer as the one probation officer currently employed is trying to handle 38 clients, with nine on a waitlist and nine more in the referral process. Another mental health request is for a position and funding to replace Mea Kokua program grant funding of \$200K, which expires on February 28, 2014, and which is used to treat offenders with co-occurring substance abuse and mental health disorders. Replacement of grant funding would allow creation of a permanent track in Drug Court for such offenders; currently, there are 55 offenders in the program with 10 on a waitlist. Lastly, a supervisory position in the Office of Public Guardian is being requested to oversee and supervise eight O'ahu guardians who average about 80 clients each.

Another set of requests relate to adult and juvenile offenders and Family Court matters and concerns. Specifically, First Circuit has requested supplemental resources to: (1) lease space in Kapolei to further consolidate Family Court functions in one geographic location, (2) continue restoration of Purchase of Service (POS) contract funding to provide essential treatment to adult and juvenile offenders and their victims, (3) maintain and expand its Project HOPE (Hawaii's Opportunity Probation with Enforcement) program, and (4) establish a mediator position for Family Court and a Nurse Manager position at the Juvenile Detention Facility; while Second Circuit has requested funds to cover increased guardian ad litem/legal counsel costs that are in excess of budget. About \$1.1 million is being requested to move from Honolulu and lease space in Kapolei for 81 employees in the Juvenile Client Services Branch (i.e., Juvenile Intake and Probation Services, Girls Court, Juvenile Drug Court, and Family Drug Court). Having this Branch in Kapolei would improve communication and coordination among Family Court



divisions as they would all be co-located in the same geographical proximity, eliminate travel time (lost time) between Honolulu and Kapolei, result in workers being more productive and efficient and in spending more quality time with juveniles and their families, improve morale and performance by reducing travel stress and fatigue, and free up second floor space in Ka'ahumanu Hale (the Circuit Court Building in Honolulu) for additional courtrooms and related offices. Regarding POS funding, another \$650K is being requested this year to continue the restoration process begun last year when the Legislature generously provided us more than \$600K in this area. Such funding is important to providing needed services to our adult and juvenile offenders; victims; and their families, relatives, and loved ones. For Project HOPE, the Judiciary is requesting funding for two permanent drug testing positions which provide random drug testing on more than 2,000 offenders (125 tests daily), and for which grant funding ended on June 30, 2013. A second Project HOPE request is for funding for three temporary positions so as to continue to maintain and expand this successful program, cover lab analysis and supply costs that are significantly exceeding budgeted amounts, and lessen workload per probation officer. The Family Court mediator position being requested would provide an on-site alternative to costly and time-consuming litigation, and give parties a neutral place and process to explore and resolve pending issues and settle cases. The Nurse Manager position is needed to ensure proper medical protocols are established and in place relative to the juveniles housed at the Detention Facility, and to oversee and supervise the three nurses employed.

Other supplemental resources are being requested in the court operations and services area. In First Circuit, these requests relate to court interpreting, audio/visual recording systems in Kapolei courtrooms, and cashiering functions; in Second circuit, the one request relates to legal documents; and in Third Circuit, the requests relate to security and information technology (IT) needs. First Circuit needs a position to help manage and schedule court interpreters, as court interpreter requests have increased by 77% in nine years – from 3,740 requests and 43 languages in FY 2005 to 6,600 requests and 68 languages in FY 2013. The need to secure interpreters will only increase as the Judiciary responds to Federal and State requirements to provide interpreters for all types of court hearings and processes (such as drivers education training classes). The Jefferson audio/visual “autolog 6” recording equipment used to produce official records of the courtroom proceedings in all 14 courtrooms in Kapolei needs to be upgraded to “autolog 7” equipment as the vendor will discontinue production and support of this equipment on January 1, 2015. First Circuit is also requesting four clerk positions for its cashiering sections at its Circuit, District and Family Courts – two at Circuit Court and one at District Court to replace positions that were transferred to Family Court at Kapolei without replacement, and one for an additional supervisory position at Kapolei. The Second Circuit request in this area is for a Legal Documents Clerk to replace the position that was eliminated during the economic downturn and related funding cuts. The lack of this position along with increased workload has created a backlog in indexing, inputting, docketing, updating, researching, following-up, and responding to cases; average overtime costs of \$15K annually to compensate for the lost position; and \$33K



annually in lease costs to store 3,600 boxes of case files because the Legal Documents Branch has fallen behind in being able to review and purge these files.

The two Third Circuit requests in this area relate to security issues. The first request is for funding to hire two special duty police officers full-time to provide needed security at our Kona Family Court and our Kona Circuit/Drug Court which Department of Public Safety is currently unable to provide. Currently, Third Circuit is paying “out of hide” for such services two days a week at the Family Court on its two most vulnerable days due to the nature of the hearings being held those days (e.g., temporary restraining orders, divorces, etc.). Not having such security every weekday at these two locations leave court staff and court users at risk. The second request is for two bailiff positions – one for Kohala/Hamakua to replace a position that was eliminated during the economic downturn and one for Hilo Family Court which has only one bailiff to serve two judges. Bailiffs are needed to help with court security and to help process cases in court, among other things. As it is now, bailiffs assigned to Hilo or Kona travel two hours round trip to Kohala/Hamakua whenever court is in session. Not only is this unproductive time, but additional mileage costs are incurred by the Judiciary and other clerks in Hilo or Kona have to help absorb some of the bailiff’s duties.

The last area of concern for which the Judiciary is requesting supplemental resources are areas which affect the Judiciary overall, or affect the staff, their operations, and their performance of duties. Specifically, funding is being requested for a Capital Improvement Program (CIP) Specialist position; training of judges and staff, an identified area of concern by Judiciary employees and management, and an education specialist position; a new multi-point control unit for video-conferencing; an additional IT specialist position in Administration; and the replacement of aging computers in the First Circuit. The CIP position is essential for helping to manage, coordinate, and oversee CIP related activities at some 40 Judiciary buildings/office spaces on six islands statewide. This is especially important as we continue forward with building the new Kona Judiciary Complex which will require much of one CIP person’s time, and to help with the 19 projects totaling \$53 million that were provided during the last three legislative sessions and the additional six projects and \$8.2 million (not including the Kona Judiciary Complex) being requested this session. Two requests relate to training, the first for \$63K, partly for a one day judicial conference focusing on bias, cultural awareness, barriers to access to justice, new/revised laws, amended court rules, and innovative courtroom practices; and partly for employees to enhance their knowledge base and technical skills so as not to negatively affect efficiency or customer service. The second training request relates to establishing an educational specialist position to help expand training opportunities and coordinate such training in the Education Office. Judiciary Administration is requesting funding for: (1) a new multi-point, videoconferencing control unit to allow for expansion of videoconferencing services and replace two existing, aging units – one that is nearing the end of its life cycle and another that does not support traditional systems such as Polycom or



smartphones or tablets; and (2) establishment of an IT specialist position to replace a position that was eliminated during the economic downturn and which is needed to provide support to Judiciary programs on a wide range of applications from email to internet/intranet, mainframe database administration, and system backup, among others. Lastly, funding is being requested by First Circuit to establish a computer replacement plan that would allow replacing all its computers on a 7-year cycle, that is, one-seventh each year or about 160 computers annually. This would eliminate the “replacement in crisis” mode and “wishful” year-end funding availability methods that occur now, and which cause inefficiencies and hinder the ability of court employees to process court cases and matters in the most effective and efficient manner possible.

In summary, our supplemental budget request is for 18 new permanent positions and approximately \$4.8 million in FY 2015, which is about 3.3% more than our current general fund budget base of \$144.4 million. We believe that this additional amount is a relatively small amount to enhance court and client services; ensure the protection of the public, employees, and clients alike; continue our emphasis on access to justice; and provide for employee training, productivity, and morale concerns and needs.

With regard to CIP requirements, these are a major item of concern as the Judiciary’s infrastructure continues to age and deteriorate, and as the population served and corresponding demand for services provided by the Judiciary keep increasing. To that end and like last year, the number one priority item in the CIP area is the Kona Judiciary Complex. While we are extremely grateful for the \$9 million provided by the Legislature last year towards construction of this Complex, we are requesting an additional \$81 million in construction funding so that we can move forward with this vitally needed project and provide our citizens in Kona with a secure, efficient, and modern court facility. Land issues and related site selection have been resolved, and the Judiciary is moving forward with design planning and work, with the Project Development Report due for publication by the design consultant in February 2014. Another \$6.2 million in CIP construction funding is being requested for elevator replacement at Ka‘ahumanu Hale as the nine elevators in the building are original, about 30 years old, are intermittently breaking down with repair support becoming more difficult and costly, and are old gear technology as opposed to the new gearless elevators. Lastly, some \$2 million in planning and design funds is being requested for five CIP projects - Ka‘ahumanu Hale cellblock redesign, upgrade of the air conditioning and ventilation systems at Kauikeaouli Hale (the District Court Building on O‘ahu), and the air conditioning system at the Lahaina District Court Building; upgrade of the fire alarm systems at Hoapili Hale (the Circuit Court Building on Maui), and assessment of all parking structure systems (e.g., fire sprinkler, sewage, storm drainage, and air conditioning piping) at Hoapili Hale.



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The proposed supplemental budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill No. 1638, the Judiciary's supplemental budget request.

Thank you for the opportunity to testify on this measure.