



Supreme Court — THE JUDICIARY • STATE OF HAWAII

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Mark E. Recktenwald
CHIEF JUSTICE

December 13, 2019

The Honorable Ronald D. Kouchi
President
Hawaii State Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott K. Saiki
Speaker
House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Please find enclosed the Judiciary's *Report to the Thirtieth Legislature, 2019 Session on the Community Outreach Court Project*, as mandated by Act 55 (SB 718), Act 49 (HB 100), and Act 195 (SB 469), Session Laws of Hawaii 2017. As required by law, a copy of the report is also being transmitted to Governor Ige.

On behalf of our partners in the Community Outreach Court Project, the Office of the Public Defender and the City and County of Honolulu Department of the Prosecutor, the Judiciary expresses our appreciation for the Legislature's support in this endeavor.

In accordance with Section 93-16, Hawaii Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: http://www.courts.state.hi.us/news_and_reports/reports/reports.html.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Please accept our warm wishes for the holidays and a productive 2020 Session.

Sincerely,

Mark E. Recktenwald
Chief Justice

Enclosure

c: Hon. David Y. Ige, Executive Chambers
Hon. R. Mark Browning, Chief Judge, First Circuit
Hon. Lono Lee, Deputy Chief Judge, First Circuit
Rodney A. Maile, Administrative Director of the Courts
Legislative Reference Bureau Library

**ANNUAL REPORT TO THE THIRTIETH LEGISLATURE
2020 REGULAR SESSION**

ON

ACT 55, SESSION LAWS OF HAWAI'I 2017

A Report on the Community Outreach Court (COC)



Prepared by:

District Court, First Circuit

Submitted by:

The Office of the Chief Justice

The Judiciary, State of Hawai'i

December 2019

TABLE OF CONTENTS

SECTION I: EXECUTIVE SUMMARY.....3

SECTION II: COC BACKGROUND AND CONCEPT7

SECTION III: COC FUNDING AND OPERATIONAL MECHANISMS.....9

SECTION IV: PROGRAM MEASURES AND OUTCOMES AND PROGRAM
QUANTIFICATION.....12

SECTION V: PROGRAM PROGRESS, CHALLENGES, AND OPPORTUNITIES.....14

SECTION VI: SUMMARY OF FINDINGS AND CONCLUSIONS.....22

APPENDICES: COMMENTS AND RECOMMENDATION LETTERS.....23

ANNUAL REPORT TO THE THIRTIETH LEGISLATURE

2020 REGULAR SESSION

ON

ACT 55, SESSION LAWS OF HAWAI‘I 2017

A Report on the Community Outreach Court

This report is respectfully submitted to the Thirtieth Legislature, 2020 Regular Session, as required by Act 55, Session Laws of Hawai‘i (SLH) 2017, by Chief Justice Mark E. Recktenwald and the District Court of the First Circuit.

SECTION I: EXECUTIVE SUMMARY

The 2020 Community Outreach Court Annual Report is the last report mandated by Act 55 and reviews the background, mechanism, outcome, progress, challenges, and opportunities of the Community Outreach Court through September 2019.

Background: Establishment of the Community Outreach Court (COC)

Problem-solving courts are specialized dockets within the criminal justice system that seek to address the underlying problem(s) contributing to certain criminal offenses. Generally, a problem-solving court involves a close collaboration between a judge(s) and a community service team to develop a case plan and closely monitor a defendant’s compliance, imposing proper sanctions when necessary.¹ Homeless Court is one of the problem-solving courts and was first established in San Diego, California in 1989² and is now in thirteen States.³

The Community Outreach Court is Hawai‘i’s homeless court. It was established by Act 55 which mandates the operation of the mobile COC on the island of O‘ahu. The 2017 Legislature passed Senate Bill No. 718, C.D.1, and the bill was signed into law as Act 55, SLH 2017 by Governor David Ige on June 22, 2017 to take effect on July 1, 2017. The Legislature officially established the COC to address quality-of-life offenses and to provide opportunities to produce meaningful resolutions that will prevent recurrence of the offenses.⁴ The COC’s mission is to provide a forum to assist nonviolent offenders who have the desire to address their legal obligations and who are also seeking access to social services to help improve their quality of life. Hawai‘i’s COC is unique

¹ National Center for State Courts, *Problem-Solving Courts Guide*, <https://www.ncsc.org/Topics/Alternative-Dockets/Problem-Solving-Courts/Home.aspx> (Accessed October 1, 2019)

² The American Bar Association Commission on Homeless and Poverty and The National Coalition For Homeless Veterans, “Taking the Court to stand Down,” 2006. 2. https://www.americanbar.org/content/dam/aba/events/homelessness_poverty/taking_the_court_to_stand_down.authcheckdam.pdf (Accessed October 1, 2019)

³ National Center for State Courts, *Homeless Courts*, <https://www.ncsc.org/Topics/Alternative-Dockets/Problem-Solving-Courts/Homeless-Courts/State-Links.aspx> (Accessed October 1, 2019)

⁴ State of Hawai‘i The Twenty-ninth Legislature, 2017, Act 055 Senate Bill No. 718, Honolulu HI. http://www.capitol.hawaii.gov/session2017/bills/GM1155_.PDF. 1. (Accessed October 1, 2019)

because of its mobility and flexibility that allows the court to open at any parts of the island. With sufficient staffing, the model can be replicated on any neighbor island or another state.

The COC is a collaborative effort among the Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu, and the Office of the Public Defender. The primary objectives are 1) to relocate court services closer to the community, 2) to help clear minor quality-of-life offenses and bench warrants, and 3) to connect those in need of social services.

Progress and Outcome: Expansion of the Community Outreach Court on O‘ahu (First Circuit)

Chief Justice Mark E. Recktenwald described the COC in Wai‘anae Public Library as “truly... justice in action!” in his State of the Judiciary speech in January 2019.

The COC has made significant progress in just a little more than two years since it was established by the Legislature in 2017. The COC initially started in Honolulu District Court and later was established at the Wahiawā District Court and Kāne‘ohe District Court. The first mobile COC was established at the Wai‘anae Public Library with the collaboration of the Hawai‘i State Public Library System and the Wai‘anae community. The model embodies the spirit of the COC as the Chief Justice referred to “justice in action” as it provides access to justice, the opportunity to give back to the community, and the opportunity to improve the lives of many. A participant from the community expressed that she is “very grateful and thankful” for commitment by the Judiciary’s outreach program. A social service provider described the Judiciary’s efforts as “a key part of what is needed to reduce O‘ahu’s overall homeless problem.”⁵

Since 2017, the COC project has served the public as follows:

- In July 2017, the COC was officially established, and sessions have been held at the Honolulu District Court in Courtroom 7B on the second and fourth Thursday of every month.
- In December 2017, the COC sessions expanded to the Wahiawā District Court. The court is held on the third Tuesday of every month.
- In September 2018, the COC expanded to the Wai‘anae Public Library. The court is held on the fourth Friday of every month. This is the first mobile COC taking place at a non-traditional court setting.
- In June 2019, the COC expanded to the Kāne‘ohe District Court. The court is held on the first Monday of every month.
- In June 2019, First Circuit Deputy Chief Court Administrator Calvin Ching hosted a meeting with the Second, Third, and Fifth Circuits to share information on the COC.
- As of September 30, 2019, 101 COC sessions have been held. 201 persons have participated in the program and 2,321 cases were cleared.
- A total of 3,966 hours of community service has been performed.

⁵ Nakaso, Dan, “Outreach Court in Waianae Lends a Hand to Homeless,” *Honolulu Star Advertiser*, September 23, 2018, <https://www.staradvertiser.com/2018/09/23/hawaii-news/outreach-court-lends-a-hand-to-homeless/> (Accessed October 1, 2019)

- Procedures have been developed to expand the mobile court to various locations.

Challenges and Opportunities: O‘ahu and Neighbor Islands

Staff shortage continues to be the main challenge in 2019. While traditional courtrooms provide essential resources such as personnel (court clerks, bailiff, judge, and security), meeting areas (courtroom and client/service provider meeting room), and equipment (tables, chairs, recording devices, secured internet, computers, etc.), non-traditional court locations do not provide these amenities. In order to expand the successful “Wai‘anae Public Library model” to other areas of O‘ahu and to meet the mandate of Act 55, sufficient staffing is required. We continue to explore internal options in order to expand the mobile COC throughout the island of O‘ahu.

To respond to the growing interest in the COC from the neighbor islands and to meet the mandate of H.C.R. 81 to study the feasibility of opening of the COC in Puna and Ka‘ū on the island of Hawai‘i, the First Circuit Deputy Chief Court Administrator Calvin Ching hosted a meeting to share information on O‘ahu’s COC with representatives from the Second, Third, and Fifth Circuits in June 2019. Representatives from the Office of the Public Defender and the Department of the Prosecuting Attorney’s Office were also present.

Mechanism: Financial and Operational Structure

Acts 49 and 195, SLH 2017 provided initial funds for the COC to the Judiciary, Office of the Public Defender, and the Department of the Prosecuting Attorney. The funding provided two positions for the Judiciary, but did not fund other positions requested by the Judiciary to fully implement Act 55.

Under the COC model, the court holds hearings on cases for which the Department of the Prosecuting Attorney and Office of the Public Defender have negotiated a plea agreement on the disposition of the defendants' outstanding charges and bench warrants. Only cases involving nonviolent, non-felony offenses under state law and city ordinance may be heard by the COC Judge and addressed under the program. The plea agreement usually includes community service work in lieu of the fines and fees. The Judge often orders community service work, and many participants are assigned to work sites in their community so that they can give back to the community in which they live.

Once in the program, the participants make monthly appearances before the court for proof of compliance and to show progress in their assigned community service and other conditions of sentencing. At this time, the intake/case coordinator uses this opportunity to connect participants to social services which include shelter/housing, employment, identification document, and health services depending on the participant’s need.

Conclusions

Building on its success in 2017 and 2018, the COC continues to be successful in clearing cases and providing life-changing opportunities for its participants in 2019. As noted in the following

section, many participants have obtained driver's licenses, housing or shelter services, and/or employment.

The COC is honored to play an important role in the State's overall effort to reduce the homeless population and continues to work with State, City and County of Honolulu, and non-profit agencies on homeless initiatives. The COC continues to conduct outreach with the Honolulu Police Department's Health, Efficiency, Long-term Partnerships (H.E.L.P) program and to participate in homeless events organized by various non-profit agencies. In 2019, the COC began conducting intake outreach at the City and County of Honolulu's Pūnāwai Rest Stop and Downtown Joint Outreach Center. It also has held informational sessions and meetings with new partner agencies in hopes of integrating itself into the existing social service network and reaching out to more potential participants.

Overall, the Judiciary, Prosecutor's Office, and Office of the Public Defender have progressed towards the improvement of a mobile COC and integration of the COC into the existing network of homeless services through collaboration with State, City and County, and non-profit agencies. The COC team continues to meet the common goal of working with people who want to restart and improve their lives in our community.

The Judiciary appreciates the 2017 Legislature for officially establishing the COC and hopes to build on the collaborative effort made from 2017 to 2019. The Judiciary remains committed to the full implementation of Act 55.

SECTION II: COC BACKGROUND AND COMMUNITY OUTREACH COURT CONCEPT

Background

The COC partners began collaboration on the Hawai'i COC project in 2017. The effort was recognized by the Legislature, and the court was made official by Act 55 which became effective on July 1, 2017. The Act directs the Judiciary to administer and operate the COC project on O'ahu (First Circuit) to help nonviolent offenders facing problems such as homelessness and unemployment to obtain basic services and necessities such as shelter and health care and to offer combined accountability and treatment options to offenders that would reduce crime and recidivism.⁶ The Act also requires the Judiciary to develop a mobile court that would travel to the communities where defendants are located and to convene court sessions in non-traditional court settings. The COC is structured to address cases in which defendants, after negotiations between the Department of the Prosecuting Attorney and Office of the Public Defender, enter into plea agreements. The agreements usually allow participants to do community service work in order for them to give back to the community.

Act 55 also requires the Chief Justice to submit a report on the program to the Legislature and the Governor at least 20 days prior to the convening of the regular sessions of 2018, 2019, and 2020. This report reviews the COC concepts and activities from 2017 to 2019.

Community Outreach Court Concept

According to the National Center for State Courts⁷ (NCSC), several states operate "homeless courts" in the United States. NCSC lists "homeless courts" as one of the "problem solving" courts described in its online Resource Guide to Homeless Courts:

Homeless Court programs often target homeless veterans, therefore their mission emulates Veterans Courts. Homeless Courts work closely with community shelters and other housing agencies and focus on promoting access to court. Homeless Courts frequently assist participants with outstanding criminal warrants and aim to reduce recidivism for nonviolent low-level offenders.

Programs listed by NCSC vary in terms of program entry processes, target populations, court locations, services offered, and partnerships. For example, the Santa Monica Homeless Community Court application process consists of a detailed referral letter written by one of the partner service providers⁸, whereas in Houston, Texas, participants voluntarily sign up for Homeless Court by requesting the service from a local homeless service provider.⁹

⁶ State of Hawai'i The Twenty-ninth Legislature. 2-3.

⁷ National Center for State Courts, *Homeless Courts*, <https://www.ncsc.org/Topics/Alternative-Dockets/Problem-Solving-Courts/Homeless-Courts/Resource-Guide.aspx> (accessed September 9, 2019)

⁸ Maya Buenaventura, *Treatment Not Custody, Process and Impact Evaluation of the Santa Monica Homeless Community Court* (PhD.diss. Pardee RAND Graduate School, 2018): 4.

⁹ Coalition for the Homeless, *Homeless Court*, <http://www.homelesshouston.org/homeless-court/homeless-court-details/> (accessed September 9, 2019)

Enrollment in Hawai‘i’s COC program is entirely voluntarily, and those who are interested in the program can directly contact the Office of Public Defender’s Intake/Case Coordinator. The coordinator also takes referrals from social service providers and conducts an individual or group intake. The COC does not want to criminalize homelessness, but rather connect homeless individuals to services through case managers while providing accountability for outstanding charges and bench warrants. Homeless or nearly-homeless individuals with nonviolent, non-felony offenses are eligible for COC. The majority of the participants face challenges with food, shelter, and unemployment and are connected to shelters/housing, identification document, employment, and health services. Unlike the Santa Monica Homeless Community Court model, which requires a detailed referral letter from a local homeless service agency¹⁰, the Hawai‘i COC takes self-referrals and connects individuals to social service agencies if they are not connected to one.

At most, participants in the Santa Monica Homeless Community Court have their cases resolved in one hearing if they prove that they have already participated in rehabilitative activities.¹¹ In contrast, the Hawai‘i’s COC requires participants to make more than one appearance. This model allows the COC Intake/Case Coordinator to connect participants to social services and work with them to ensure that they are connected to service providers to improve their lives. Santa Monica Homeless Community Court and Orange County Homeless Court also utilize the “multiple appearance model” to link participants with services and treatment and to monitor participation in treatment and services.¹²

According to the 2019 Homeless Point in Time Report¹³ for O‘ahu, since 2018, the overall homeless population (the total number of sheltered and unsheltered homeless persons) has declined by 1% whereas the unsheltered population has increased by 12%. In 2019, the distribution of the unsheltered population by region was 26% in Downtown to Kaka‘ako, 24% in Wai‘anae Coast, 14% in East Honolulu, 12% in Wahiawā to North Shore, 11% in ‘Ewa/Kapolei, 9% in Kāne‘ohe to Waimānalo, and 4% in Upper Windward. This data suggests that there is a need for a mobile court and outreach intake sessions as the homeless population is not concentrated only in the metropolitan area, but also found across O‘ahu. Further, the increase of the unsheltered population suggests that outreach intake session locations should not be limited to homeless shelters and should also include non-homeless shelter locations where the unsheltered population may be found.

Hawai‘i’s COC is unique as it is tailored to the unique needs of the island: It is truly mobile to get into the communities and is designed to allow sufficient time to establish relationships with the participants to work together to improve their lives. To build relationships with the participants, the COC Judge speaks to them in a firm but friendly manner to lessen the fear and intimidation that the participants may have. This helps the participants to be more comfortable in expressing their needs and receiving social services. The Judge also praises and congratulates the participants

¹⁰ Buenaventura, 5.

¹¹ *ibid*, 4.

¹² *Ibid*.

¹³ Partners in Care: O‘ahu’s Continuum of Care, *The O‘ahu 2019 Point in Time Count Comprehensive Report*, (2019, Honolulu, HI) 14.

when they complete their community service work and obtain housing, employment, and other services to better their lives. The Judge's positive words also encourage other participants sitting in the same courtroom to complete their community service work and to improve their lives.

SECTION III: COC FUNDING AND OPERATIONAL MECHANISMS

Funding mechanism

Acts 49 and 195, SLH 2017, describe the COC funding mechanism and require that the Office of the Public Defender submit the Memorandum of Agreement (MOA) to the Legislature or request the Chief Justice to include the MOA with the COC annual report. The MOA was submitted to the Legislature as part of the 2018 COC annual report.

The Judiciary did not receive full funding to develop and sustain a mobile court. However, it was able to develop the logistics to operate a mobile court which was established in Wai'anāe on the Island of O'ahu (First Circuit). For FY 2017-2018 and FY 2018-2019, Acts 49 and 195 provided the following resources to implement the MOA signed by the Judiciary, Prosecutor's Office, and Office of the Public Defender.

- Judiciary: \$126,364 for administration and operation of the COC project (transfer by Office of the Public Defender per Act 49) for 2 permanent positions (Act 195). The Judiciary requested funding for other positions necessary for a sustainable court operation, but the positions were not funded.
- Public Defender: \$154,000 for 3 permanent positions (Act 49)
- Department of the Prosecuting Attorney, City & County of Honolulu: \$165,404 for 2 permanent positions (Act 49)

Operational mechanism

Under the COC model, hearings are held on cases for which the Prosecuting Attorney and Office of the Public Defender have negotiated a plea agreement on the disposition of the defendants' outstanding charges and bench warrants. Only cases involving nonviolent, non-felony offenses under state law and city ordinance may be heard and addressed under the program. Designated judges preside over Honolulu District Court, Wahiawā District Court, Wai'anāe Public Library, and Kāne'ōhe District Court. In Honolulu and Wahiawā, COC sessions are part of their regular calendar, which physically restricts them to a courtroom. Having a dedicated judge to COC enables the court to become mobile, render consistent decisions, and maintain a unique relationship with each participant.

Prior to Court

The Office of the Public Defender engages a social service or healthcare professionals to provide services to defendants who are willing to participate in the program and be represented by the Office of the Public Defender. After the initial assessment of the applicant and consultation with the social service or healthcare professional, the Office of the Public Defender develops a list of the defendants who are potential participants in the program and transmits it to the Department of

the Prosecuting Attorney. (See Appendix A: Office of the Public Defender's letter of comments and recommendations.)

The Department of the Prosecuting Attorney selects defendants from the list who may be appropriate for participation in the COC program. The Department of the Prosecuting Attorney enters into plea negotiations with the Office of the Public Defender for disposition of outstanding charges and bench warrants. The Office of the Public Defender petitions the Court for the defendants' change of plea and sentencing in COC. Proposed disposition of cases may include a fine, community service, court-ordered treatment, or other court-ordered conditions. The motion for a change of plea is placed on the COC calendar with appropriate notice to the parties and is subject to approval by the court.

In & Post Court

Once the plea negotiations are completed, the participant, the public defender, and the prosecutor appear before the COC Judge for approval. If the court accepts the plea agreement, the participant is sentenced and a return date is scheduled for proof of compliance (POC).

If the court orders community service, the participant needs to go to the Judiciary's Adult/Juvenile Community Service and Restitution Unit (A/JCSRU) for community service placement. As a branch of the Judiciary, the A/JCSRU's community service placement office is located in the Honolulu District Court building. Fortunately, the A/JCSRU has also gone mobile and has been present at the Wahiawā District Court, Wai‘anae Public Library, and Kāne‘ohe District Court, providing access for the participants living in rural areas with transportation issues. Most participants are given opportunities to do their community service in their communities.

Following the court appearance, participants also meet with service providers to address other conditions of their sentence and determine whether other community resources are available. Resources could include medical or mental health care, residential and occupational placement, or other legal services by service providers.

At the POC hearing, both counsels meet with the participant to ensure the participant has met all the sentencing conditions. If a participant needs more time to complete the sentence, the court may grant additional time to complete any outstanding conditions.

To date, COC sessions have been held at four locations on the following dates:

	HONOLULU	WAHIAWĀ	WAI‘ANAE	KĀNE‘OHE
2017				
January	Jan. 26			
February	Feb. 23			
March	Mar. 23			
April	Apr. 27			
May	May 11, May 18			
June	June 8, June 22			

After Enactment of Act 55, SLH 2017				
July	July 13, July 27			
August	Aug. 10, Aug. 24			
September	Sept. 10, Sept. 28			
October	Oct. 12, Oct. 26			
November	Nov. 9, Nov. 16			
December	Dec. 14, Dec. 28	Dec. 19		
2018				
January	Jan. 11, Jan. 25	Jan. 16		
February	Feb. 8, Feb. 22	Feb. 20		
March	Mar. 8, Mar. 22	Mar. 20		
April	Apr. 12, Apr. 26	Apr. 17		
May	May 10, May 24	May 15		
June	June 14, June 28	June 19		
July	July 12, July 26	July 17		
August	Aug. 9, Aug. 23	Aug. 21		
September	Sept. 13, Sept. 27	Sept. 18	Sept. 21	
October	Oct. 11, Oct. 25	Oct. 16	Oct. 26	
November	Nov. 8, Nov. 15	Nov. 20	Nov. 30	
December	Dec. 13, Dec. 27	Dec. 18	Dec. 14	
2019				
January	Jan. 10, Jan. 17	Jan. 15	Jan. 25	
February	Feb. 14, Feb. 28	Feb. 19	Feb. 22	
March	Mar. 14, Mar. 28	March 19	March 22	
April	Apr. 11, Apr. 25	Apr. 16	Apr. 26	
May	May 9, May 30	May 14	May 17	
June	June 13, June 27	June 18	June 28	June 10
July	July 11, July 25	July 16	July 26	July 1
August	Aug. 8, Aug. 22	Aug. 20	Aug. 23	Aug. 5
September	Sept. 12, Sept. 26	Sept. 17	Sept. 27	Sept. 9
October*	Oct. 10, Oct. 24	Oct. 15	Oct. 25	Oct. 7
November*	Nov. 14, Nov. 21	Nov. 19	Nov. 22	Nov. 4
December*	Dec. 12, Dec. 19	Dec. 17	Dec. 13	Dec. 2

*Planned for the rest of 2019. (This table is current as of September 2019.)

SECTION IV: PROGRAM MEASURES AND OUTCOMES AND PROGRAM QUANTIFICATION

Program measures and outcomes

To measure the effectiveness of COC, the Judiciary reports on the number of participants served and the number of cases cleared. The following report covers dispositions through September 30, 2019.

Program quantification

The Judiciary reports the following data provided by Judiciary, the Prosecutor's Office, and the Office of the Public Defender.

- COC sessions held: 101
- Persons participated in the program: 201
- Cases cleared: 2,321
- Community service hours performed: 3,966
- Driver's license stoppers lifted: 1,527
- Bench warrants recalled: 422
- Participants who obtained driver's license and permits: 27
- Participants who obtained housing: 49 (40 obtained on their own)
- Participants who were sheltered: 22 (11 obtained on their own)
- Participants who are living with family/friends: 33
- Participants who obtained jobs: 42 (39 on their own)
- Participants who received Substance Abuse Assessment/Treatment: 17

These statistics are real-life stories that show the effect of COC on participants' lives. For example:

- Participant was referred to the Office of the Public Defender by Catholic Charities. He was residing at the Catholic Charities Villages of Mā'ili transitional housing and was actively working with a case manager before and during participation in the COC. After graduating from the program, he moved to Alaska to live with his family. He also obtained his driver's license there.
- Participant completed his substance abuse assessment test at Hina Mauka while in the COC. He went back to his family (his dad attended every court session to support him) and is now working in construction (fencing and drywall).
- Participant is on his way to graduate from COC, and he continues to complete his community service work. Prior to applying to COC, the participant was sheltered at Next Step Shelter. At his first court hearing, he mentioned that he received housing placement and that he obtained a job at the Family Assessment Center (a shelter for families). He is now gainfully employed at Waikiki Health.

- Participant passed her driver's license permit test and is in contact with the outreach team from Hawai'i Health & Harm Reduction to get into Hale Mauiola Sand Island Shelter.
- Participant was referred to the Public Defender's Office by Catholic Charities Hale Wai Vista. She is currently living with family and passed her driver's license permit test. She is scheduled to take her road test in January 2020.
- Participant and her husband (also a graduate from COC), with help from the Institute for Human Services (IHS), are now residing at the Hale Mauiola Shelter at Sand Island.
- Participant is on his way to graduate from COC. He was previously homeless, but moved back in with family. With help from IHS, he was able to get his state ID.

In partnership with the Prosecutor's Office and Office of the Public Defender, the Judiciary hopes to continue expanding its services to improve the lives of vulnerable individuals on O'ahu and increase accountability in the criminal justice system.

SECTION V. PROGRAM PROGRESS, CHALLENGES, AND OPPORTUNITIES

The Judiciary, the Prosecutor's Office, and the Office of the Public Defender have worked collaboratively to establish a COC program in response to the criminal justice system's heavy caseload of nonviolent, non-felony offenses that overburden the court and law enforcement. The "pilot" stage of the project started with the first COC session held in the Honolulu District Court on January 26, 2017. After the enactment of Act 55, the COC expanded to Wahiawā, Wai‘anae, and Kāne‘ohe. This section discusses the progress made through September 2019 and the challenges and opportunities identified through the process.

Program progress

On June 22, 2017, Governor Ige signed Act 55, enabling legislation for COC operations, and signed accompanying Acts 49 and 195, respectively, on June 21, 2017 and July 12, 2017. Since then, the Judiciary, the Prosecutor's Office, and the Office of the Public Defender have signed a COC MOA focused on meeting the requirements of these Acts.

Expansion outside of the Honolulu District Court

Act 55 called upon the Judiciary to extend the services of the COC beyond the urban setting of the Honolulu District Courthouse. The COC was tasked with bringing services into O‘ahu’s rural communities, making the court more accessible for its target participants – specifically, misdemeanor offenders who are battling homelessness.

The COC approached this expansion in two phases. First, the court would be conducted in an established courthouse setting located in a more rural community outside of Honolulu. This would serve as a proving ground by which certain program parameters would be tested and recalibrated based on the results and challenges encountered by court staff and the COC team. The next phase would then be to take the COC entirely outside of a traditional courtroom setting and create a “mobile court” program that could be applied to any community across the island.

The first COC outside of the Honolulu District Court opened at the Wahiawā District Courthouse in December 2017 under the direction of First Circuit Deputy Chief Judge Lono Lee and Deputy Chief Court Administrator Calvin Ching. This marked the beginning of Phase 1 of the COC expansion which involved the integration of court calendars. Nine months later, in September 2018, Phase 2 was successfully launched when the COC held its first mobile court session at the Wai‘anae Public Library. The library’s general meeting room, which had never before been used to conduct court proceedings, was set up as the main courtroom while adjacent areas within the library were used to provide meeting spaces for community service providers and court personnel. Since this successful launch, the COC is being held monthly at the Wai‘anae Public Library.

In June 2019, the COC expanded to the Kāne‘ohe District Court to serve the Windward community. The Kāne‘ohe District Court is the newest COC location and has participants from Kāne‘ohe and Waimānalo. Outreach staff from IHS and Legal Aid Society of Hawai‘i come to the court to connect the COC participants to social service providers. Windward Community College’s Paipai o Ko‘olau Program takes referrals from the COC.

Expansion of community partners and outreach efforts

Connecting COC participants to social service providers is at the heart of the COC's mission. The COC understands that connecting its participants to vital social services that are accessible in areas closer to where they live is perhaps the most vital piece of the rehabilitation process. Utilizing the social services available – housing assistance, job placement, and obtaining identification – is a necessary step to complete the COC program and the best way to prevent or reduce recidivism amongst participants. Recognizing this, the COC has continuously developed new relationships with community partners across the island.

The Judiciary, Office of the Public Defender, and Prosecutor's Office have also teamed up to participate regularly in community meetings and events focusing on homeless services in an effort to actively seek new potential participants for the program. Since early 2018, the COC team has been working with many non-profit service providers and government agencies and has attended recurring outreach and screening sessions at various locations in Honolulu, Hale'iwa, Kailua, Wahiawā, Wai'anae, and Waimānalo.

The Judiciary's scope of interaction into the existing homeless initiatives ranges from the COC team joining outreach events/meetings to full integration (referring potential participants, organizing applicant assessment sessions, providing social services, and assisting court attendance). The growing list of community-based organizations that the COC has directly worked with includes the following:

- O'ahu-wide partners: Partners In Care, Volunteer Legal Services Hawai'i, Legal Aid Society of Hawai'i, IHS, Honolulu Police Department H.E.L.P., LEAD program, Jail Diversion Program, Honolulu C & C Rent to Work program, Partners in Development, EPIC 'Ohana
- Honolulu partners: Hawai'i Health & Harm Reduction Center, Downtown Joint Outreach Center (H4 Hawai'i), Kalihi-Palama Center, Pūnāwai Rest Stop
- North Shore partners: Waialua Community Association
- Wahiawā partners: ALEA Bridge
- Wai'anae partners: Catholic Charities Hawai'i, U.S. Department of Veterans Affairs, Partners in Development Foundation, Ka Wahi Kaiāulu-Wai'anae Neighborhood Place, Honolulu Community Action Program, Wai'anae Public Library
- Windward partner: Kinai 'Eha, Windward Community College Paipai o Ko'olau Program.

In 2019, the COC continued its expansion of partnership through informational sessions and outreach efforts. New partners include City and County of Honolulu Rent to Work program, Partners in Development, EPIC 'Ohana, Jail Diversion Program, Downtown Joint Outreach Center (H4 Hawai'i), Pūnāwai Rest Stop, and Windward Community College Paipai o Ko'olau Program.

The COC holds intake sessions at the following locations (as of September 2019, subject to change):

- Waimānalo Wednesday, every last Wednesday of the month at the Waimānalo Beach Park or Waimānalo District Park. Organized by Kinai 'Eha.

- Pūnāwai Rest Stop, every third Wednesday of the month.
- Iluna, every second Tuesday of the month at Dot's (Wahiawā restaurant) parking lot. Organized by ALEA Bridge.
- Downtown Joint Outreach Center, every third Monday of the month.
- Villages of Mā'ili, every second Friday of the month. Organized with Catholic Charities.

Development of logistics and procedures

As part of its expansion efforts, procedures and logistics for the mobile COC operation have been created.

The Judiciary's Legal Documents Branch 2 established a new workflow to enable the mobile COC to operate smoothly outside of the District Court headquarters. Both the Judicial Services Branch, which manages the court clerks and court bailiffs, and the A/JCSRU, which assigns COC participants to community service work, have provided dedicated personnel to accommodate the mobile court operation.

The team travels to locations on days when COC is held outside of Honolulu in order to ensure that the court services provided by the mobile court resemble typical operations in both quality and accessibility. The A/CJCSRU staff, for example, is able to work directly with COC participants on-site at the mobile court location so that by the time the participants leave the building, they have been issued all the appropriate paperwork and are fully prepared to begin their community service assignment with the designated work provider.

Acquisition of supplies and equipment

Equipment including computers, printers, telephones, mobile wireless devices, specialized software, tables, and chairs were acquired to enable the operation of the mobile COC. Having a fully connected and functional courtroom arrangement is necessary for effectively carrying out mobile courtroom operations. Laptops purchased for courtroom use were configured to enable secure access to the Judiciary's computer programs via Virtual Private Networks (VPN). Court staff, including bailiffs, court clerks, and court operation specialists were trained in the use of computers and other equipment specifically configured for mobile court use.

As the mobile court expands to additional locations, operational procedures will continue to be evaluated and refined to proactively address site-specific logistical challenges.

Expansion of marketing and public information efforts

Communication with community partners, service providers, and potential program participants is important to the continued success of the COC program, particularly with respect to the current expansion initiatives. Regular engagement with the public and potential program partners is a key factor in the COC's efforts to expand its footprint into more communities.

Brochures that include general program information and specific guidelines for the COC referral process have been created. Arrangements were made to allow supervised media access to the mobile COC's inaugural session in Wai'anae and opening of the Wahiawā and Kāne'ōhe COC. Further, informational articles related to COC operations are in process for publication on the Judiciary's website and internal intranet. A branding campaign also has been implemented, featuring a newly-created program logo, signage, and other updated marketing materials.

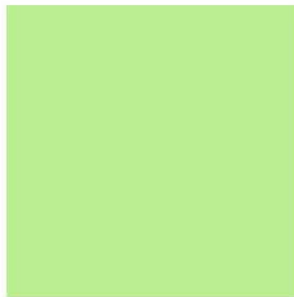
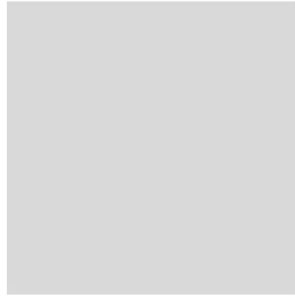
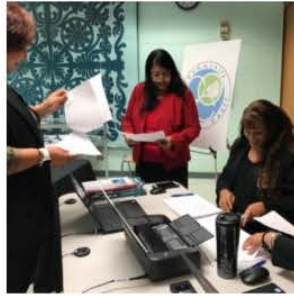
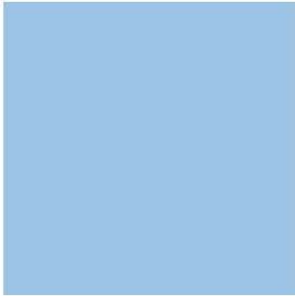
Positive media exposure for COC has been beneficial to the program's growth and reputation. This has created more attention for the program, allowing the COC team to disseminate information to a larger audience. Members of the COC team from the Judiciary, Office of the Public Defender and Prosecutor's Office have all worked with community partners to deliver informational presentations about the program and participate in meetings and public outreach events to address O'ahu's homeless issues. The Judiciary's public information officer regularly communicates with various media outlets to inform them of new goals or milestones and foster increased interest in the program. Notably, Deputy Chief Court Administrator Calvin Ching has recently participated in interviews with the *Honolulu Star Advertiser*, *Civil Beat*, Hawai'i News Now, and 'Ōlelo Community Media in order to apprise the public of recent initiatives and to share the Judiciary's philosophy that drives the COC.

The *Honolulu Star Advertiser* article regarding the recent opening of the Kāne'ōhe COC has led to inquiries from a non-profit agency and potential applicant.

Legislative Efforts

Accompanying Acts 49 & 195 designated funding for the Office of the Public Defender and the Department of the Prosecuting Attorney, but did not fully fund the Judiciary's staff. The Acts funded two positions, but did not fund additional positions critical for a sustainable court operation. During the 2019 Legislature, the Judiciary asked for funding for a court clerk, court bailiff, and judicial clerk and additional operational costs to fully implement Act 55, but the requested positions and operational costs were not funded. This has delayed the expansion of the mobile COC in Honolulu, Wahiawā, and Kāne'ōhe.

One of the COC goals is to connect the participants to social services. Beyond the COC goals, the Judiciary recognizes the importance of outreach services on a broader scope of increasing access to social services and reducing homelessness. To increase access to services, the COC in 2019 submitted testimony in support of Senate Bill 471, which appropriated funds to outreach programs, rapid re-housing program, housing first program, family assessment centers, law enforcement assisted diversion program, and a coordinated statewide homelessness initiative. The bill was signed into law as Act 062 on June 6, 2019.



Photos: Various Community Outreach Court activities performed through 2019.

Challenges

Staff shortage continues to be the main challenge in 2019. While traditional courtrooms provide essential resources such as personnel (court clerks, bailiff, judge, security), meeting areas (courtroom and client/service provider meeting room), and equipment (tables, chairs, recording devices, secured internet, computers, etc.), non-traditional court locations do not provide these resources. Therefore, personnel, equipment, and transportation to transport personnel and equipment to non-traditional court settings are essential and need to be supported. The sustainability and further expansion of the mobile COC program will be dependent upon the availability and provision of these resources. The following describes the roles of the personnel, suitable facilities for the mobile COC, necessary equipment, and transportation.

Personnel

Court clerks and a court bailiff are necessary for any court operation. The court clerks' functions include processing motions, calendaring cases, updating court records for disposition of cases, tracking sentencing compliance, and filing court recordings. The COC calendar creates increased workloads for clerks since many COC participants have a large number of cases (often more than 10) during a single session.

Duties of the bailiff include: transporting the court clerks and the court documents, maintaining order during court proceedings, distributing court documents to the participants, and explaining the next steps to the participants (e.g., meeting with A/JCSRU staff for community service work placement).

Security personnel are essential for ensuring security protocols are followed, operating and enforcing the court's entry and identification system, and preserving the peace by protecting all court users and property. Funding and long-term support will be necessary to hire properly trained security personnel and to coordinate with the Department of Public Safety to arrange sheriff services as needed.

Though the court clerks, court bailiff, and security personnel are essential to the COC operation, funding for additional positions was requested but denied. During the 2018 legislative session, House Bill 2752 Relating to the Community Court Outreach Project was introduced, and the Judiciary submitted testimony in support and requested funds for these essential positions. However, the bill did not pass.

In its efforts to meet the objectives of Act 55, the COC program has had to draw from the Judiciary's regular staff. Regular court staff includes those from the Judicial Service Branch which provides court clerk and court bailiff services, Legal Documents Branch which provides pre- and post-court processing, and A/JCSRU, which places COC participants at community service work sites. Currently, staff for the COC operation phase II (Wai'anae COC) is drawn from the existing Honolulu District Court staff pool. Removing staff from an already short staffed pool adds heavy workloads to the remaining staff and affects the operation at the Honolulu District Court.

Continued operation and further expansion of the COC mobile court will be dependent upon the availability of necessary staffing resources to effectively manage and administer court activities.

Venue/Facility

Facilities that can accommodate the mobile COC require adequate spaces for the courtroom, A/JCSRU staff, social service providers, and parking. Successful implementation of program goals also requires that mobile court facilities be located in areas close to where program participants reside. Most facilities, including the Hawai'i State Public Library System, require facility rental fees for every COC session.

Equipment

Most equipment and supplies have been purchased for the COC expansion. However, there are recurring costs such as monthly internet and phone services that need to be accounted for. As the program continues to grow and expand its footprint in more communities, additional equipment will be needed, particularly for future mobile court operations.

Transportation

Transportation for equipment and staff to attend court sessions and meetings with social service agencies requires support. The COC team conducts outreach sessions to screen and evaluate potential program participants and attend meetings to engage community partners. Vehicle rental fees and mileage reimbursement are required for the regular transport of staff and equipment to the various locations islandwide.

Additionally, the mobile COC brings the court into the communities it serves. However, not all participants reside within walking distance or have reliable transportation to and from the court sites and/or assigned community service work sites.

Opportunities

COC at the Wai'anae Public Library which fully integrates the mobile COC concept has been successful. The court operations and logistics for the mobile COC have been developed and can be applied to other locations on O'ahu and the neighbor islands.

Future expansion on O'ahu

Because Act 55 calls for the development of a mobile justice system that travels to neighborhoods within O'ahu's rural communities, future growth of the program will build upon the recent successes of the COC's mobile court ("Wai'anae Public Library model").

COC Wahiawā is currently held in Wahiawā District Court, which is one of the existing "rural courts" on O'ahu. Moving the COC from the Wahiawā District Courthouse to a non-traditional court setting within the Wahiawā community would allow the COC to be closer to the community and maximize the effectiveness of the mobile COC. The benefits of moving the court to another location include: (1) returning Wahiawā District Court back to its regular calendar, (2) streamlining and focusing on the Wahiawā COC participants, (3) creating new partnerships with Wahiawā service providers, and (4) creating a less intimidating atmosphere for participants.

Based on the same concept, the current COC operation at the Honolulu District Court Building which is held in Courtroom 7B, may be moved to an alternate downtown location to extend the benefits of the mobile court to the Honolulu-based participants. Like the Wahiawā calendar, this would enable Courtroom 7B to return to its original schedule.

Efforts are being made to address some of the staffing needs to ensure future growth. Adequate staffing would give us the flexibility to expand the operation of the court into other geographical areas on O‘ahu. Therefore, providing increased access to justice.

Future Expansion on Neighbor Islands

In June 2019, the First Circuit Deputy Chief Court Administrator Calvin Ching hosted a meeting to share information on the COC with the representatives from the Second, Third, and Fifth Circuits. Representatives from the Office of the Public Defender and the Department of the Prosecuting Attorney were also present. The meeting was held in response to the growing interest in the COC from the neighbor islands and to meet the mandate of H.C.R. 81 to study the feasibility of opening the COC in Puna and Ka‘ū.

The expansion to neighbor islands may increase the COC’s capacity to collaborate with other Circuits to address cases from other jurisdictions and help individuals who have outstanding cases from more than one Circuit.

SECTION VI: SUMMARY OF FINDINGS AND CONCLUSIONS

The mission of the Judiciary, as an independent branch of government, is to administer justice in an impartial, efficient, and accessible manner in accordance with the law. Act 55 has enabled the Judiciary to continue its mission by increasing opportunities for access to justice among those who otherwise might not access court services and social services through the COC program.

Through September 2019:

- The Judiciary held 101 COC sessions.
- The COC cleared 2,321 cases and served 201 participants.
- Forty-nine participants obtained housing. (Forty obtained housing on their own.)
- Twenty-two participants were sheltered. (Eleven obtained shelter on their own.)
- Thirty-three participants are living with family/friends.
- Forty-two participants obtained jobs. (Thirty-nine obtained jobs on their own.)
- The COC Honolulu expanded to Wahiawā District Court in December 2017, to Wai‘anae Public Library in September 2018, and to Kāne‘ohe District Court in June 2019.
- The COC has developed logistics for the mobile court (“Wai‘anae Public Library model”) operation and is seeking further expansion into other communities.
- The COC expanded its partnerships with social service providers in Honolulu, Wahiawā, Wai‘anae, and the Windward area, and continues to establish new partnerships with service providers in communities that are suitable for the mobile court.

Due to the shortage of clerks at the Honolulu District Court and the operational needs of the COC program, staff shortage for COC operations continues to be a major issue in 2019.

The Judiciary extends its appreciation to the Governor and the Legislature for establishing the COC, and looks forward to building upon the progress made from 2017 to 2019 through the partnership with the City and County of Honolulu Department of the Prosecuting Attorney, Office of the Public Defender, the Department of Public Safety, Hawai‘i State Public Library System, social service providers, and community partners. The Judiciary looks forward to gaining further support to expand the mobile COC into more communities on O‘ahu to increase access to court services and to change the lives of many in 2020.

APPENDICES: COMMENTS AND RECOMMENDATIONS LETTERS FROM THE OFFICE OF THE PUBLIC DEFENDER

Appendix A: Letter from the Office of the Public Defender dated October 2, 2019.

No comments and recommendations were received from the City and County of Honolulu Department of the Prosecuting Attorney.

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October 2, 2019

Community Outreach Court continues to expand successfully across the island. In addition to the Honolulu and Wahiawa District Courts and Waianae Public Library, this specialty court began holding court sessions in Kaneohe District Court this year. This allows greater accessibility to individuals across the island. The program provides an opportunity for individuals to have their cases resolved by completing community service work rather than serving jail time.

We continue to work with the Institute for Human Services, Hawaii Health & Harm Reduction, ALEA Bridge, Legal Aid Society, and Catholic Charities to assist the participants in the best way that we can. Our partners are key in assisting participants to become successful even after graduating from Community Outreach Court. They have helped and continue to assist many participants get into shelter, housing, job placement, and provide case management services to them. The Community Outreach Court continues to participate in outreach events, allowing us to reach out to individuals who have not had the chance to take care of their outstanding cases or their bench warrants.

Our goal is to reach out to individuals in other communities that may benefit from this program. To accomplish this goal, we must create more partnerships with service providers that are not familiar with Community Outreach Court. This may also open avenues for service agencies to become registered community service sites through the Judiciary. Partnering with service providers bring a larger and stronger support system to the individuals we serve in our communities.

Community Outreach Court offers individuals to conveniently take care of their cases closest to their residential location, in exchange for the opportunity to give back to their own community. In addition, the participants receive direct help and wraparound services from partnered agencies that attend the court sessions. We are looking forward to expanding this specialty court beyond the locations we are currently serving. We believe this will encourage more individuals to attend their court dates without having the fear of serving jail time. Expanding to more locations will also increase awareness of the program to reach out to individuals who need the services in other communities.

Mahalo,
John Tonaki
Public Defender