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HONOLULU – This morning, the Hawai‘i Supreme Court issued an order amending its August 27, 2020 order that prevented judges from setting bail and, in some cases, keeping certain alleged criminals in custody. Today’s order allows District Court Judges to set bail for those alleged to have committed all “offenses against the person” pending trial. These offenses include misdemeanor assault, terroristic threatening, sexual assault, and other violent crimes.

The ruling was the result of a motion filed by the Department of the Prosecuting Attorney amid the repeated release of Randy Jacob, who had allegedly gone on a sexual assault spree in Downtown Honolulu beginning in March. Jacob is now in the custody of the Department of Health for a mental fitness evaluation.

Prosecuting Attorney Steve Alm hailed this morning’s ruling. “Today’s ruling gives District Court Judges the discretion to set bail and, in some cases, hold those who commit violent crimes against our residents in custody,” Alm said. “This also means that those who need mental health treatment can be committed to the custody of the Department of Health,” he continued. “The bottom line is that our streets will be safer as a result of this order and we thank the Court for its quick action,” he said.

The Hawai‘i Supreme Court also issued a separate order requiring the parties in this matter, including the Department of the Prosecuting Attorney, Office of the Public Defender, and the Attorney General of the State of Hawai‘i, to submit briefs arguing whether all of the Court’s COVID-19 custody restriction orders should be lifted. Alm said, “The robust COVID-19 testing program in Hawaii’s detention facilities and the increased pace of vaccinations of staff and detainees indicate that the risk to our jail and prison populations has significantly decreased since August 2020.” “We look forward to asking the Supreme Court to lift all of its custody restriction orders so that dangerous criminals can be kept off our streets,” he said.

Enclosed are copies of the two orders issued by the Hawai‘i Supreme Court this morning.

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