



The Judiciary, State of Hawaii

Testimony to the Twenty-Fourth State Legislature, 2008 Session

House Committee on Human Services and Housing

The Honorable Maile S. L. Shimabukuro, Chair

The Honorable Karl Rhoads, Vice Chair

Tuesday, March 11, 2008, 8:30 a.m.

State Capitol, Conference Room 329

by

Janice Yamada

Adult Client Services Branch Administrator

Hawaii State Judiciary

AMENDED TESTIMONY

Bill No. and Title: Senate Bill No. 2218, S.D. 1, Relating to Electronic Monitoring.

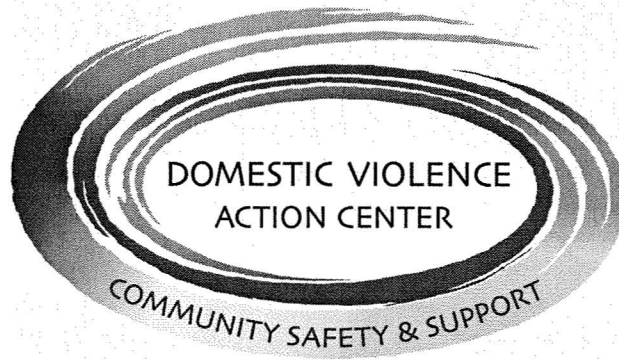
Purpose: Requires electronic monitoring of persons convicted of violating a domestic abuse temporary restraining order or protective order.

Judiciary's Position:

The Judiciary takes no position on this measure; however, we would like to note the following concerns.

The bill has fiscal impacts to the Judiciary. Specifically, it will cost approximately \$5 per day / \$1008 per year to equip each person who is ordered to wear an electronic monitoring device. Although the bill indicates the court may order offenders to pay the costs associated with equipping themselves with electronic monitoring devices, many of these offenders will be unable to pay because they are indigent or have very limited funds. Thus, the Judiciary respectfully requests that funding be provided to cover the required costs. Lastly, if this measure is enacted, a delayed effective date will be needed to provide time to plan for implementation (i.e., draft and execute contracts, staff training; etc.).

Thank you for the opportunity to provide testimony on this matter.



TO: Maile Shimabukuro, Chair
Karl Rhoads, Vice Chair
Members of the Committee on Human Services and Housing

FR: Nanci Kreidman, M.A.

RE: S.B. 2218, S.D. 1

Aloha! We submit this testimony in support of S.B. 2218, S.D. 1. Over the last twenty five years in this community we have enhanced our initiatives, amended our statutes and invested additional monies in response to domestic violence. The Bill before the Committee today is a strategy to strengthen accountability and provide greater safety.

The only issue we would call attention to in the crafting of this measure is the disclosure of the victims' residence address to be included as a listed prohibited location. If a victim is hiding, for safety reasons, it would be foolish to inform the abuser in order to protect her through utilization of an electronic monitoring device. Perhaps some research or additional discussion with corrections experts and other communities with similar programs could provide the guidance we need to resolve this issue.

Thank you for your wise consideration of this new tool to increase safety and protect the lives of victims whose abusers have become stalkers, are insistent in their pursuit, or potentially lethal.

HSCADV **HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE**

Hearing date and time: March 11, 2008, 8:30am. Room 329

RE: S.B. 2218 SD1 Relating to the Electronic Monitoring

TO: Chair Shimabukuro, Vice Chair Rhoads and members of the Committee on Human Services & Housing

FR: Ana Maring, Hawaii State Coalition Against Domestic Violence

Aloha, my name is Ana Maring and I represent the Hawaii State Coalition Against Domestic Violence (HSCADV). HSCADV is a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV strongly supports SB2218 SD1.

Research shows that victims intimate partner violence (IPV) often continue to be in danger from their batterer and are in fact likely to be at increased risk once they separate. Statistics show that approximately 75% of the women murdered by a partner or former partner had separated from their batterer or told their batterer they planned to leave. Many victims of IPV seek Temporary Restraining Orders (TRO)/Protective Orders (PO) as a tool to increase their safety.

Electronic monitoring for TRO/PO violators serves as an additional tool that would assist in protecting victims and their children's safety by alerting the victim if the batterer has crossed into an exclusionary zone. As stated in *Electronic Monitoring of Domestic Violence Cases-A Study of Two Bilateral Programs*, "The intimate nature of these relationships means that the offender will be well versed in the victim's routines, and personal and social affiliations, such as family, friends, and membership in organizations. He knows when and where she works, the school where she waits to pick up the children, her telephone numbers, as well as her travel routes to reach home, work, or fulfill other responsibilities, needs or preferences. Such knowledge of her routines furnishes the abuser with numerous opportunities to harass, stalk, intimidate, assault or abuse the victim in violation of protective orders."

According to the Honolulu Probation Office, the estimated cost of this service is approximately \$4 - \$5 dollars a day and would be paid by the offender. The cost of the program is negligible for indigent offenders as they are covered by the fines paid into the system by offenders with resources.

Whether a victim is seeking a temporary restraining order, contacts law enforcement or seeks domestic violence services, they are best equipped to predict how their batterer will respond to different punitive measures. Courts must work with victims considering the use of this technology and explain the limitations of the system. While there is not a single answer to domestic violence GPS electronic monitoring provides another tool to hold batterers accountable and deter future abuse.

For more information about how GPS Electronic Monitoring equipment works please go to <http://www.denvergov.org/ElectronicMonitoring/EquipmentandPrograms/tabid/385950/Default.aspx> .
and
[http://www.officer.com/print/Law-Enforcement-Technology/GPS-Offender-Tracking-and-the-Police-Officer/1\\$25189](http://www.officer.com/print/Law-Enforcement-Technology/GPS-Offender-Tracking-and-the-Police-Officer/1$25189)

Thank you for the opportunity to testify.

From: Sarah Zeren [mailto:szeren@gmail.com]

Sent: Sunday, March 09, 2008 6:26 PM

To: HSHtestimony

Subject: SUPPORT: SB 2218, SD 1

To: Committee on Human Services & Housing:
Rep. Maile S.L. Shimabukuro, Chair
Rep. Karl Rhoads, Vice Chair
All committee members

From: Sarah Lynn Zeren
Domestic Violence Action Center: Advocate
UH Manoa School of Social Work: Student

Date: Tuesday, March 11, 2008
Conference Room 329
State Capital
8:30 AM

Subject: **SB 2218, SD 1: Relating to Electronic Monitoring**

I STRONGLY SUPPORT SB 2218, SD1

****On average more than 3 women are killed everyday by their husband or boyfriends****

****1 in 4 women will experience domestic violence in their lifetimes****

We know that domestic violence is an astounding problem on both national and local levels. Physical violence against women is what most people label domestic violence to be. What isn't as widely understood is the emotional abuse and controlling behavior that truly identifies a relationship as domestic violence; it's about power and control.

Stalking, or asserting their presence in their victim's daily lives serves as yet another tactic batterer's use to intimidate, and maintain power and control over their victims. Such victims feel trapped, unable to freely and safely move through their daily lives. A TRO/RO won't stop most batterer's; they know how difficult it is to prove the violation, and outside the court room, it is easy to forget the seriousness of the court's ruling. The GPS electronic monitoring device would hold batterer's directly accountable should they venture inside a predetermined exclusion zone. The police would be immediately notified, and their record would reflect the violation.

An electronic devise would act as a constant visual reminder of the court's order, and serve as a strong message for just how seriously the state takes domestic violence,

and victim's protection. Taking domestic violence seriously, and holding those who perpetrate it accountable for their actions is a very powerful way to combat this problem.

As a social work student in the UH master's program, as an advocate for the Domestic Violence Action Center, and as a woman, I strongly support SB 2218, SD 1.

Thank you for the opportunity to testify.