

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:
H.B. NO. 2493, RELATING TO DOMESTIC VIOLENCE.

BEFORE THE:
HOUSE COMMITTEE ON JUDICIARY

LATE

DATE: Thursday, February 04, 2016 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General submits comments.

The purpose of this bill is to improve the data reporting of domestic violence crimes by requiring county police and other agencies with power of arrest to use a domestic violence identification code or other measurable indicator, as specified by the Department of the Attorney General, to identify "any instance where a crime was committed or attempted between family or household members," and report statistical information of these instances of "domestic violence" monthly to the Attorney General. It also requires the reporting agencies to make the statistical information available to the public and post that information on their websites.

As the bill is intended to assist the Department in collecting statistical data on domestic violence crimes, the Department offers comments. The Department supports the intent of the bill to collect information on domestic violence crimes. The use of an identification code or other measureable indicator to flag these particular cases as they are identified by the law enforcement agencies will be a key component for this effort.

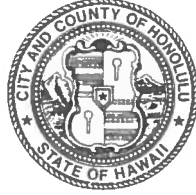
The Department is concerned, however, that the types of crimes that need to be identified and reported are not clearly defined. This ambiguity will result in inconsistent reporting of information and the collection of data of questionable value. This bill requires law enforcement agencies to identify and report on "any instance where a crime was committed or attempted between family or household members." This identification criteria is very broad and not limited to what is generally understood to be crimes of domestic violence. The criteria might result in

the capture and reporting of nonviolent property crimes such as theft, forgery, trespass, or unauthorized computer access.

The Department recommends the bill be amended, consistent with these comments.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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February 4, 2016

The Honorable Karl Rhodes, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhodes and Members:

SUBJECT: House Bill No. 2493, Relating to Domestic Violence


I am Captain Gerald Kaneshiro of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 2493, Relating to Domestic Violence. This bill requires the county police departments to use a domestic violence identification code for incidents between family and household members. Once the number of incidents is compiled, a monthly report shall be submitted to the Department of the Attorney General and made available to the public.


The intent of this bill is good in providing the necessary resources toward curtailing domestic violence in Hawaii. However, the number of domestic violence-related incidents is broad and needs to be defined to capture accurate data. Additionally, this bill states that the domestic violence act shall not be limited to the definitions of Section 709-906 of the Hawaii Revised Statutes.

Thank you for the opportunity to testify.

Sincerely,


Gerald K. Kaneshiro, Captain
Records and Identification Division

APPROVED:



Louis M. Kealoha
Chief of Police

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

February 1, 2016

To: House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

From: Michelle Rocca, Training and Technical Assistance Director
Hawaii State Coalition Against Domestic Violence

Re: Testimony in Support of HB 2493

Good afternoon Chair Rhoads, Vice San Buenaventura, and members of the committee. On behalf of the Hawaii State Coalition Against Domestic Violence we thank you for the opportunity to share our testimony in **support of HB 2493** relating to domestic violence data collection.

Data collection and the reporting of domestic violence in the state of Hawaii is currently not well documented and not well organized between the systems that address domestic violence. The implementation of a tag or code that is specific to domestic violence would make great strides in our effort to achieve current and accurate data on the crimes that occur in the context of domestic violence. While the abuse of a family or household member statute is necessary in capturing the crimes of violence that occur within the household (709-906), many other crimes occur in domestic violence relationships and fall through the cracks of data collection if they do not directly relate to the 709-906 statute. These crimes may include property crimes, trespassing, vandalism, and others.

Improving a system of data collection to accurately reflect the range of crimes committed by a domestic violence offender will better inform the scope of domestic violence incidents in our community and strategy to alleviate the cause. The community of domestic violence service providers, first responders, and the general public will be better equipped to respond to domestic violence when the capacity to record the frequency and diversity of crimes committed by a domestic abuser are more accurately reflected in the data.

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



TO: Chair Karl Rhoads
Vice Chair Joy Buenaventura
Members of the Committee

FR: Kiri Siu, LMFT
Advocacy Manager
Domestic Violence Action Center

RE: HB2493 (Support)

Aloha. And thank you for your consideration of this testimony.

I am in support of HB 2493 that all crimes that are related to domestic violence be reported to the AG's office by the Honolulu Police Department. Domestic violence is not simply hitting, slapping or pushing, but ongoing harassment at home, work, or through family/friends, it is property being damaged, threats, items being stolen, identify theft or forgery, and even animal abuse. The AG's office getting a larger view of how pervasive domestic violence is, and the different ways that the abuse can continue even after a relationship is over would be helpful in making sure victims have more services and abusers are held accountable.



LATE

25 Years

WRITTEN TESTIMONY IS SUPPORT OF HB- 2493

As in most domestic abuse incidents, breaking of property is almost always present like hurling a TV, destroying a cell phone, breaking dishes, hurting pets, breaking a window, throwing things in the home, punching the walls, destroying car tires so that the victim cannot leave, stealing car keys, getting into the home without permission and the like.

If this will be taken into consideration in these DV cases, it will be an added tool that eh police can use to decide who the primary aggressor is. For example, if a TV has been thrown and victim is only 5 feet and the husband is 6 feet, police investigation would probably reveal that the husband is the primary aggressor and this is more crucial when both parties exhibit minor injuries.

Destruction of property even if marital is understood as a form of control, bullying and fear inducer. When an abuser destroys TV, cell phone, breaks dishes, punches walls or hurts pets, a woman knows that she maybe the next target of his destruction.

It is therefore important that a broken window, a flat tire, a broken cell phone, etc. must be looked into in the course of a DV incident and not just who has injuries.

LYDIA A. PAVON

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 3:55 PM
To: JUDtestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB2493 on Feb 4, 2016 14:00PM*

HB2493

Submitted on: 2/3/2016

Testimony for JUD on Feb 4, 2016 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dara Carlin, M.A. | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 8:50 PM
To: JUDtestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB2493 on Feb 4, 2016 14:00PM

HB2493

Submitted on: 2/3/2016

Testimony for JUD on Feb 4, 2016 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ann S Freed | Individual | Support | No |

Comments: While the Hawaii Women's Coalition has not taken a position on this bill, we have participated in much discussion about the difficulty of getting accurate data on the incidence of domestic violence in our state due to the lack of or nonstandard use of a code for DV crimes. Mahalo, Ann S. Freed, Co-Chair Hawaii Women's Coalition

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