



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

S.B. NO. 2349, RELATING TO DOMESTIC VIOLENCE.

BEFORE THE:

SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS AND ON JUDICIARY

DATE: Friday, February 9, 2018

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Shaleigh Tice, Branch Chief, Crime Prevention and Justice
Assistance Division

Chairs Nishihara and Taniguchi and Members of the Committees:

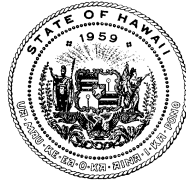
The Department of the Attorney General appreciates the intent of this bill, but we do not believe this bill, as presently written, will achieve the goal of improving response to domestic violence victims by first responders. Attaching additional requirements to receive funds from federal grant programs and the Emergency Medical Services Special Fund may not incentivize law enforcement and emergency medical services to improve policies, procedures, and training in working with victims of domestic violence.

The Department is the State Administering Agency for the federal Violence Against Women Act (VAWA) STOP grant funds. As required by the Office on Violence Against Women, these funds must be distributed as follows: Police (25%), Prosecution (25%), Judiciary (5%), Victim Service Providers (30%), and Discretionary (15%, which is currently used for victim services). VAWA STOP funds are intended to be used to promote a coordinated, multidisciplinary approach to victim advocacy and system response to addressing violent crimes against women, including domestic violence, dating violence, sexual assault, and stalking. We are concerned that mandating law enforcement agencies to implement policies, procedures, and training for personnel and supervisors to require lethality assessments and safety planning with victims of domestic violence will be a disincentive for police to utilize VAWA STOP funds for domestic violence projects. If funds are not utilized as designated (i.e., for the police

departments), this could jeopardize funding for the entire grant, including victim services providers.

It is unclear how training will be provided, how the policies will be implemented, in what circumstances the lethality assessments and safety planning will occur, and how this will be monitored for compliance to receive funds. In some instances, it may be more beneficial for the victims to receive lethality and safety assessments from victim services providers who are adept at this task and can take the time needed to provide a comprehensive assessment.

We respectfully ask the Committee to consider these comments. Thank you for the opportunity to provide testimony.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on S.B. 2349
RELATING TO DOMESTIC VIOLENCE**

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

SENATOR BRIAN T. TANIGUCHI, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 9, 2018 9:30a Room Number:016

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** We support the intent of S.B. 2349 to better protect victims of
3 domestic violence by requiring lethality assessment and safety planning for first responders.
4 However, S.B. 2349 would necessitate prioritizing domestic violence assessments over
5 emergency medical treatment and transport, and negatively impact primary funding for this
6 essential public health service.

7 The primary responsibility of emergency medical services agencies is the patient's medical
8 needs, timely treatment, and transport. The domestic violence assessments described in S.B.
9 2349 are the beyond the scope of emergency responder care. In situations of domestic violence,
10 elder and child abuse and neglect, the emergency responders' responsibility is to identify and
11 report these situations to the appropriate authorities and the receiving emergency department.
12 Based on EMS data, emergency medical responders annually attend to an estimated 50 to 55
13 cases of child abuse and neglect (CAN), and an additional estimated 965 cases of women who
14 experienced intimate partner violence (IPV).

15 Requiring first responders to conduct lethality assessment and safety planning would impact
16 patient care and potentially cause delay in timely transport for definitive medical care.

17 Therefore, the proposed changes to HRS §321-234 are not recommended.

18 Thank you for the opportunity to testify.

HONOLULU EMERGENCY SERVICES DEPARTMENT
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1814
Phone: (808) 723-7800 • Fax: (808) 723-7836



KIRK CALDWELL
MAYOR

JAMES D. HOWE, JR.
DIRECTOR

IAN T.T. SANTEE
DEPUTY DIRECTOR

February 7, 2018

The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice-Chair
Senate Committee on Public Health, Intergovernmental,
and Military Affairs

The Honorable Brian T. Taniguchi, Chair
The Honorable Karl Rhoads, Vice-Chair
Senate Committee on Judiciary
The Senate
Twenty-Ninth Legislature
Regular Session of 2018

Re: SB2349 Relating to Domestic Violence

Dear Chair Nishihara, Chair Taniguchi, Vice-Chair Wakai, Vice-Chair Rhoads and Members:

The Honolulu Emergency Services Department supports the intent of SB2349, however, we cannot agree with prioritizing domestic violence assessments over emergency medical treatment and transport.

We are unclear as to what the requirement to perform "lethality assessment and planning" would entail and what impact the requirement to provide these services might have on the ability to ensure proper and timely delivery of pre-hospital medical treatment.

This legislation proposes to change official protocols. This would have the effect of increasing administrative, training, and operational costs.

We are greatly concerned that if this Legislation is enacted, that a failure to prioritize official protocols and absorb the increase in costs will result in restriction of funds which will negatively impact the ability to provide EMS response services which are already significantly stressed.

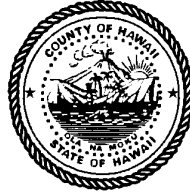
Thank you for the opportunity to testify on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Howe, Jr.", is written over a circular stamp. The signature is fluid and cursive.

James D. Howe, Jr.
Director

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

February 8, 2018

The Honorable Brian T. Taniguchi, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 219
Honolulu, Hawai'i 96813

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawai'i 96813

Dear Chair Taniguchi and Nishihara:

SUBJECT: SB2349, RELATING TO DOMESTIC VIOLENCE
Hearing Date: Friday, February 9, 2018
Time/Place of Hearing: 9:30 am, Conference Room 016

I am Darren J. Rosario, Fire Chief of the Hawai'i Fire Department (HCFD). The HCFD support the intent of SB 2349, however, do not support the incentivizing of EMS agencies who perform lethality assessments and safety planning for domestic violence patients with funding from the EMS Special Fund.

The primary mission of EMS is the timely assessment, triage, treatment and transport of 911 emergency patients in the pre-hospital setting. Mandating EMS personnel to perform lethality assessments and safety planning for Domestic Violence patients may delay the timely treatment and or transport of such patients to the Emergency Departments. EMS personnel are mandated to pass all forms of suspected child abuse, elderly abuse, and domestic violence to the proper authorities and receiving Emergency Department where a thorough lethality assessment and safety planning can be better conducted.

Please do not hesitate to contact me at 932-2901 or darren.rosario@hawaiicounty.gov should you have any questions.

Respectfully,

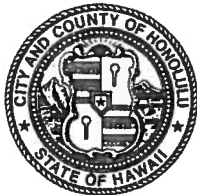
A handwritten signature in black ink, appearing to read "Darren".

DARREN J. ROSARIO
Fire Chief



POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE

WO-KK

February 9, 2018

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety, Intergovernmental,
and Military Affairs
The Honorable Brian T. Taniguchi, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Taniguchi and Members:

SUBJECT: Senate Bill No. 2349, Relating to Domestic Violence

I am Walter Ozeki, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2349, Relating to Domestic Violence, with amendments.

The HPD recognizes that law enforcements response to domestic violence is a continually changing and evolving process. As we better understand the dynamics of domestic violence, new and better methods for dealing with perpetrators and survivors are brought to light and provides us with better alternatives then those that previously existed. A necessary requirement of this change and evolution is training.

The HPD has already implemented a lethality program as well as provided department-wide training in the proper use of this program. The HPD does have some reservations with regard to the implementation of a safety planning program as well as the requisite training. As currently drafted, this bill does not clarify who would be

The Honorable Clarence K. Nishihara, Chair
and Members

The Honorable Brian T. Taniguchi, Chair
and Members

February 9, 2018

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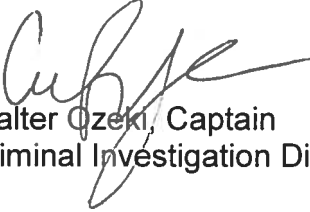
responsible for providing this training, what the duration of this training should be, and what the specific curriculum of the training should consist of in order for the department to remain in compliance with these requirements.

We believe that the priority of the emergency medical services agency should continue to be that of providing emergency care and transportation to parties in need of such care. The agency should not be saddled with the additional responsibility of lethality assessment and safety planning as both these areas are outside their field of expertise and could be better handled by law enforcement or domestic violence advocates.

The HPD supports Senate Bill No. 2349, Relating to Domestic Violence, with the amendments enumerated above.

Thank you for the opportunity to testify.

Sincerely,


Walter Ozeki, Captain
Criminal Investigation Division

APPROVED:


Susan Ballard
Chief of Police

SB-2349

Submitted on: 2/7/2018 9:05:15 AM

Testimony for PSM on 2/9/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Yuki Lei Sugimura	Maui County Council	Support	No

Comments:

I support this bill which provides that funds received from the federal government for the purpose of addressing domestic violence and moneys from the Emergency Medical Services Special Fund shall not be distributed to a law enforcement agency or emergency medical services agency whose policies, procedures, and training for personnel and supervisors do not formally require lethality assessments and safety planning with victims of domestic violence.



TO: Chair Nishihara
Vice Chair Wakai
Members of the Committee

Chair Taniguchi
Vice Chair Rhoads
Members of the Committee

FR: Nanci Kreidman, M.A

Re: Testimony in Opposition to SB 2349, Relating to Domestic Violence

Aloha! Training for first responders is certainly a priority for community programs serving survivors of domestic violence. The only way to assist survivors effectively is with well-trained interveners whose professional approach is guided by understanding of the complex problem of domestic violence.

A lethality assessment and a safety plan cannot be done by everyone. The roles, time available and capacity for effective intervention varies by profession. Law enforcement are experts in conducting investigations, but probably not safety planning. Emergency medical professionals have a responsibility for providing immediate response when there has been injury or medical emergencies. Taking the time to conduct a lethality assessment or safety plan may interfere with life saving measures only they are equipped to deliver.

Fundamental training is imperative, however. Approaching the potentially life threatening circumstances and knowing what harm may be imminent, and what drives victims to return to abusers is essential to effective response by first responders. The sensibility and sensitivity comes from training. Absolutely.

This Bill is not the best avenue for achieving the important intention of having well trained community interventions.

Thank you.

SB-2349

Submitted on: 2/6/2018 11:28:23 AM

Testimony for PSM on 2/9/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Support	No

Comments:



Hawaii Women's Coalition

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY

Senator Brian T. Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

DATE: Friday, February 9, 2018

TIME: 9:30 a.m.

PLACE: Conference Room 016

STRONG SUPPORT FOR SB 2349

Aloha Chair Nishihara, Chair Taniguchi Vice Chairs and members,

The Coalition is in strong support of requiring first responders to have adequate training in spotting and assisting victims of domestic violence. This measure would require those departments who receive certain state and/or federal funds to provide adequate training to their personnel.

In recent years we have too often been subjected to reports from the victims in the community of neglect and/or abuse from members of law enforcement in particular. We defer to the Hawaii State Coalition Against Domestic Violence and the Domestic Violence Action Center as to what constitutes "adequate" training, but we are certain that current state of such training is woefully inadequate. HPD officers receive four hours as new recruits and **one hour** of training annually. This would be laughable if the consequences weren't so deadly.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

Contact: annsfreed@gmail.com Phone: 808-623-5676

SB-2349

Submitted on: 2/7/2018 5:26:08 PM

Testimony for PSM on 2/9/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

DATE: FEBRUARY 8, 2018

TO: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Glenn Wakai, Vice Chair

COMMITTEE ON JUDICIARY

Senator Brian T. Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

FROM: Carmen Golay, Trainer & Systems Advocate
HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

RE: Testimony and Comments on SB 2349

Aloha:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 22 member organizations across the state, I am submitting testimony and comments on SB 2349 Relating to Domestic Violence and lethality assessments training and requirements for first responders. We support the intent of this bill as Lethality Assessments saves lives. Studies show that when victims get services, there is a 60% reduction in severe assault. The domestic violence community has been working with police departments (HPD and Kauai) on lethality assessment; Hawaii Island departments are also interested. Addressing this issue administratively has had only limited success. They are not being conducted with uniformity and training of officers has been limited and not ongoing as we understand it. We believe that statute is necessary to create uniform protocols and incentivize training. The goal of the LAP is to prevent domestic violence homicides, serious injury, and re-assault by encouraging more victims to use the shelter, counseling, advocacy, and support services of domestic violence programs. Furthermore, we believe that the process to lethality assessment protocols builds relationships between police, advocates and other services. This is positive for long term reduction in intimate partner violence. There are many people in the Hawaii domestic violence community who have been trained and are utilizing the Maryland Model of Lethality Assessment, which primarily deals with police officers, not other “first responders” as defined in the draft bill. We support this bill with some amendments to the language so that the primary focus of

Together we can do amazing things

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

training people to do lethality assessment are in fact police, and not other EMS providers. Also, we support revising language around “safety planning.” Safety planning is best conducted by trained advocates in situations where victims can be safe to speak freely, this may not be the case with first responders. Thank you Committee, for hearing our testimony.

Together we can do amazing things

SB-2349

Submitted on: 2/7/2018 7:14:00 AM

Testimony for PSM on 2/9/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton		Support	No

Comments: