

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY

CITY AND COUNTY OF HONOLULU

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**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**THE HONORABLE BRIAN T. TANIGUCHI, CHAIR
SENATE COMMITTEE ON JUDICIARY**

**Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai`i**

February 9, 2018

RE: S.B. 2349; RELATING TO DOMESTIC VIOLENCE.

Chair Nishihara, Chair Taniguchi, Vice-Chair Wakai, Vice-Chair Rhoads, members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, expressing concerns regarding S.B. 2349 as currently written.

The purpose of S.B. 2349 is to prohibit distribution of federal funding for domestic violence and Emergency Medical Services Special Fund to any law enforcement or emergency medical service agency unless their policies, procedures, and training require lethality assessments and safety planning with victims of domestic violence.

The Department's concern is that the term "law enforcement officer" is currently not defined within S.B. 2349, and as such, may inadvertently encompass the Department and/or the Department's investigators. Insomuch as our investigators do carry badges, are authorized to carry firearms, and do have powers of arrest, they are in fact "law enforcement officers." However, our investigators do not conduct domestic violence investigations and have very limited contact with victims of domestic violence (transport or service of subpoenas). In light of this, the Department believes it would be an inefficient use of resources to provide these personnel with the specialized training referenced in S.B. 2349. By contrast, many of our victim witness advocates do come into regular contact with victims of domestic violence, and are trained in lethality assessments and safety planning.

If the Legislature did not intend to include our investigators within the scope of this mandate, we respectfully ask that “law enforcement officer” be specifically defined to clarify this. Possible alternative language could be:

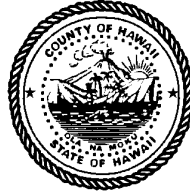
"Law enforcement officer" means a sheriff, deputy sheriff, police officer, parole officer, or probation officer. (HRS §78-52)

or something similar. Alternatively, the definition could be narrowed to apply only to departments whose law enforcement officers are likely to be involved in domestic violence investigations, or come into contact with victims of domestic violence in the regular course of their duties.

If the Legislature did intend to include our Department/investigators within the scope of S.B. 2349—despite the fact that our investigators do not conduct domestic violence investigations—the Department would ask that funding be appropriated to cover this unexpected cost for specialized training, or in the alternative, that the necessary training be provided free of charge. Thank you for the opportunity to testify on this matter.

LATE

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
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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





LATE

February 8, 2018

To: Hawaii State Senate Committee on Public Safety,
Intergovernmental, and Military Affairs, and the Senate Committee
on Judiciary
Hearing Date/Time: Friday, February 9, 2018 (9:30 am)
Place: Hawaii State Capitol, Rm. 016
Re: Testimony of concern about SB2346 as currently worded

Dear Senator Clarence K. Nishihara (Chair), Senator Glenn Wakai (Vice Chair),
Senator Brian T. Taniguchi (Chair), Senator Karl Rhoads (Vice Chair) and Members
of the Committees,

I am grateful that Hawaii senators are thinking about the safety of women in Hawaii. I appreciate this opportunity to testify about my concerns with **S.B. 2346**, relating to domestic violence, and having police officers and other first responders administer lethality assessments, and create safety plans with women (since women are the most typical victim).

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawaii, who list gender-based violence as an important current concern.

This submission is informed by many years of work in the field of domestic violence, and research conducted with survivors of intimate partner violence. In addition, when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and trained Advocates for Women to respond skillfully and empathetically to survivors of violence. At many times, the shelter worked with police, courts, and other service agencies on behalf of survivors. At that time, the Canterbury Region police force provided Advocates with direct links to survivors at the scene, often contacting the crisis phone line, and meeting Advocates at the scene. Advocates also contacted police to meet them at unsafe scenes of violence. In addition, the police provide Advocates with the contact details of survivors, and Advocates contacted survivors to offer help and services. Police also provided survivors with cards explaining the Refuge services. This protocol meant that Refuge/Shelter Advocates, who were highly trained, conducted risk assessments and created safety plans with survivors, in addition to offering other services, as needed. At that time, there was no suggestion that the police or other first responders should be entrusted with providing the level of skilled intervention offered by Advocates.

My experiences with police in the Southern Region of New Zealand was that they were much better trained than police in Hawaii. I met regularly with police there, attended trainings, conducted research with them, and was impressed with how the police department implemented improvements, based on my research.

My interactions with police in Hawaii, and my discussions (with many hundreds of UH students in 7 years of teaching gender violence at the Manoa campus) about interactions with police, along with the numerous publicly-known scandals in the current force (only the tip of the iceberg), suggest that the police are insufficiently trained in these islands to conduct lethality assessments, let alone create viable safety plans.

I applaud the desire of legislators to keep women safe, but I have some doubts about whether the methods suggested in this bill will actually accomplish that purpose. I am concerned that this bill will merely create the appearance of safety, in the ongoing unsafe environment offered by current policing strategies.

I am not alone in my concerns about how this instrument is being applied across US police districts, many of them in regions, with better trained police on the ground. There are also concerns expressed by academics, who have conducted research on the outcomes of the police using the Lethality Assessment protocol desired in this bill, or on public understanding of the questions.¹ Campbell, who conducted the original research underpinning the production of this instrument² has not published her research assessing the use of the instrument. Her assessment study, with colleagues is only available as a report to the funder, US Department of Justice.³ There are methodological problems with the assessment since the comparison group was gathered at an earlier time period than the intervention group,⁴ which means that external factors to the experiment may affect the results. Officers received interview training across the study time period, and it is possible that some other aspect of the training affected the results, not the specific use of the instrument. There are a variety of other methodological weaknesses in this study, which is likely why it has not been published in a peer-reviewed academic journal, and may influence why it is not readily available on the MNADV-LAP website. The report authors disclose the study limitations, including selection bias, disappearance of approximately 30% of the study participants from the sample (mainly because of the inability of researchers to contact them), attrition of study participants for other reasons, and the above-mentioned historical comparison group, among other issues.⁵

¹ Dutton, Leila D., Tracy L. Tamborra, and Meagan Pittman. 2017. "Police Officers' and Victim Advocates' Perceptions of the Lethality Assessment Program." *Criminal Justice Policy Review*. Online: December, 2017; Kelly R. Stout and M. Alexis Kennedy. 2017. "Police as Educators: Support for Possible Responses to Intimate Partner Violence Calls." *Justice Policy Journal* 14(1).

² Campbell, Jacquelyn C., et al. 2003. "Risk Factors for Femicide in Abusive Relationship: Results from a Multisite Case Control Study." *American Journal of Public Health* 93(7): 1089-1097; Nicolaidis, Christina, et al. [inclu. Campbell]. 2003. "Could We Have Known? A Qualitative Analysis of Data from Women who Survived an Attempted Homicide by an Intimate Partner." *Journal of General Internal Medicine* (18 October): 788-794. Campbell, Jacquelyn C., D. W. Webster, and N. Glass. 2009. "The Danger Assessment: Validation of a Lethality Risk Assessment Instrument for Intimate Partner Femicide." *Journal of Interpersonal Violence* 24(4): 653-674.

³ Messing, Jill Theresa, Jacquelyn Campbell, Janet Sullivan Wilson, Sheryll Brown, Beverly Patchell, and Christine Shall. 2014. Police Department's Use of the Lethality Assessment Program: A Quasi-Experimental Evaluation. Report provided to the US Department of Justice.

⁴ Messing, et al. 2014. Figure 9: Recruitment and Retention Flow Chart.

⁵ Messing, et al. 2014. P. 83-85.

In conclusion, there is scientific research showing the validity of the assessment tool, but there are mixed data concerning the success of having police officers asking women these questions. To my knowledge, there is no research about having first-responders, such as ambulance staff, asking these questions, which suggests that this bill perhaps should not include this component.

At this stage, I would ask that the committee members hearing this bill consider some of the concerns posed here. In some ways, it seems more useful at this stage to conduct a pilot study of this approach in Hawaii, with careful data gathering to assess whether the approach is saving women's lives, before legislating that this approach must occur by an arbitrarily selected date. I encourage research, or examination of research conducted in other jurisdictions, before moving to implement the methods described in this bill. (I have just performed a quick search of the research literature this morning, and I am sure that other data exists, which I did not locate.)

Thank you for the opportunity to testify.

Sincerely

Susan J. Wurtzburg, Ph.D.

Policy Chair



LATE

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.

hscadv



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

LATE

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

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hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
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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

To: Hawaii State Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Hawaii State Senate Committee on Judiciary

Hearing Date/Time: Friday, February 9, 2018, 9:30AM
Hawaii State Capitol, Rm. 016

Comments on Senate Bill 2349

Thank you Chair Nishihara, Chair Taniguchi, Vice Chair Wakai, Vice Chair Rhoads, and committee members,

The YWCA O'ahu would like to provide comments on Senate Bill 2349, relating to domestic violence.

The Lethality Assessment Program, developed by the Maryland Network Against Domestic Violence, is a validated tool that brings law enforcement and domestic violence service providers together to empower intimate partner violence (IPV) victim-survivors. This bill would require law enforcement agencies as well as emergency medical services agencies to administer a lethality assessment and complete a safety plan. Neither group is trained, nor should be trained, to complete a safety plan. Safety planning would be better left to trained advocates and case managers. The investigatory agent of an IPV scene conducting a lethality assessment is appropriate but not so for an emergency medical provider. We support the amendments recommended by Hawaii State Coalition Against Domestic Violence.

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

Kathleen Algire
Director, Public Policy and Advocacy
YWCA O'ahu