

Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on Judiciary

In Support of SB1037 SD1
Thursday, March 14, 2019, at 2:00 p.m. in Room 325

Dear Chair Lee, Vice Chairs Buenaventura, and Honorable Members,

The Hawai'i State Commission on the Status of Women supports SB1037 SD1, relating to domestic violence. This measure, if passed, would amend the offense of strangulation of a family or household member to include blocking the nose or mouth of the person or applying excessive pressure to the chest. SB1037 SD1 would also clarify that infliction of visible injury is not required to establish the offense.

Strangulation is one of the most deadly forms of violence used by men against their partners. Ninety percent of strangulation murders in the United States are domestic violence related.¹ Non-fatal strangulation is also an indicator of future attempted homicide—it is often precursor for death. National data suggests that strangulation is on the rise. In 2018, the Hawai'i County Prosecutor reported a record fifty (50) cases of domestic strangulation. This measure is necessary to address the severity of non-fatal strangulation.

Only fifty percent of strangulation victims have visible injuries and of those, only one-third can be photographed. The law should evolve to allow criminal justice personnel to better enforce the current strangulation statute and to decrease strangulation. Accordingly, the Commission requests that the Committee pass SB1037 SD1.

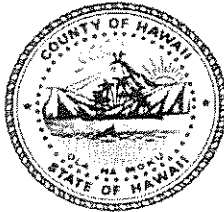
Sincerely,

Khara Jabola-Carolus

¹ Verdi, N. *Releasing the Stranglehold on Domestic Violence Victims*, 18 RWULR 255, 263, Summer 2013.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL NO.1037, SD 1
A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE

COMMITTEE ON JUDICIARY
Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Thursday, March 14, 2019, 9:30 a.m.
State Capitol, Conference Room 325

Honorable Chair Lee, Honorable Vice Chair San Buenaventura, and Members of the Committee on Judiciary. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of Senate Bill No. 1037, SD 1.

This measure amends the offense of strangulation of a family or household member to include blocking the nose or mouth of the person or applying excessive pressure to the chest; and clarifies that infliction of visible injury is not required to establish the offense.

The proposed amendments are critically important to identifying the most dangerous domestic violence perpetrators in our community, those who strangle, and also to protecting the victims of domestic violence. By adding more specific language regarding the possible methods of strangulation to § 709-906 of the Hawai'i Revised Statutes, the Legislature has the opportunity to strengthen the statute and enable law enforcement to more successfully investigate and prosecute strangulation cases.

Strangulation is one of the most serious and deadly forms of domestic violence. Unconsciousness can occur within seconds, and death within minutes. Symptoms of strangulation can include bruising on the neck or behind the ears, a sore throat, difficulty swallowing, vision changes, and memory loss, among others. Identifying signs and symptoms is incredibly important, as strangulation is one of the best predictors for the subsequent homicide of a victim of domestic violence. One study showed that "the odds of becoming an attempted homicide increased by about seven-fold for women who had been strangled by their partner" (Journal of Emergency Medicine, 2008).

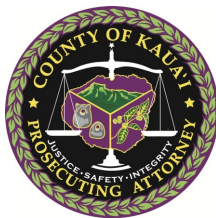
Victims of strangulation often suffer from long-term emotional and physical impacts. Prosecution of these types of cases is vital to assisting victims in getting the support they need and deserve, which is why our office is in favor of the proposed changes to the statute. We would like to be able to effectively prosecute as many strangulation cases as possible, in order to assist as many victims of domestic violence as possible.

It is also essential to note the link between strangulation and incidents where police officers are injured or killed by those same perpetrators. In an article analyzing officer-involved critical incidents entitled “Men Who Strangle Women Also Kill Cops,” the authors found that a man who strangles his partner is more likely not only to kill his partner, but also to kill a police officer who tries to stop him (Family & Intimate Partner Violence Quarterly, 2015).

The Office of the Prosecuting Attorney, County of Hawai’i, wholeheartedly supports the passage of Senate Bill No. 1037, SD 1. Thank you for your attention to this crucially important issue, and for the opportunity to testify on this matter.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca A. Vogt Like
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

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**THE HONORABLE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
The Thirtieth Legislature
Regular Session of 2019
State of Hawai'i**

March 14, 2019

RE: S.B. 1037 S.D. 1: RELATING TO DOMESTIC VIOLENCE.

Chair Lee, Vice-Chair San Buenaventura, and members of the House Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i is in strong support of S.B. 1037 – Relating to Domestic Violence. The purpose of this Bill is to amend the offense of strangulation of a family or household member to include causing bodily injury by blocking the nose or mouth of the person or applying excessive pressure to the chest. The Bill also clarifies that infliction of visible injury is not required to establish this offense.

The amendments will result in streamlined prosecutions, and increased access to protections for victims.

In conclusion, we respectfully ask that your Committee PASS this Bill.

Thank you for this opportunity to testify on this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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MAYOR

SUSAN BALLARD
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JOHN D. MCCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE

MK-KK

March 14, 2019

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

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 1037, S.D. 1, Relating to Domestic Violence

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

The HPD supports Senate Bill No. 1037, S.D. 1, Relating to Domestic Violence.


The HPD recognizes that law enforcement's response to domestic violence is a continually changing and evolving process. In working with the survivors, domestic violence advocates, prosecutors, the judiciary, and the legislature, we have a better understanding of the dynamics of domestic violence and the cycle of violence.

This bill amends the offense of strangulation of a family or household member to include blocking of the nose and mouth of the person or applying excessive pressure to the chest.

The Honorable Chris Lee, Chair
and Members
March 14, 2019
Page 2

The HPD urges you to support Senate Bill No. 1037, S.D. 1, Relating to
Domestic Violence.

Sincerely,


Mikel Kupishima, Captain
Criminal Investigation Division

APPROVED:


Susan Ballard
Chief of Police

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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LATE

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2019
State of Hawai'i**

March 14, 2019

RE: S.B. 1037, S.D. 1; RELATING TO DOMESTIC VIOLENCE.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 1037, S.D. 1 with suggested amendments.

The purpose of S.B. 1037, S.D. 1 is to strengthen the current statutes as it applies to Abuse of Family or Household Members under §709-906(8), Hawaii Revised Statutes ("H.R.S."). With this in mind, the Department respectfully suggests the following amendments:

Pg. 1, ln 11-13:

The Department appreciates the intent behind the addition of ln. 11-13, "provided that infliction of visible injury shall not be required to establish offense under this subsection." However, the addition of this phrase may lead to unintended consequences as it relates to other section of §709-906, H.R.S. By adding this phrase to only subsection (8) of §709-906, H.R.S., this creates the unintended inference that in other violations of §709-906, H.R.S. there needs to be visible injury before our office should charge or a jury or judge could convict. The Department suggest that this phrase in ln. 11-13 is added to each section of §709-906, H.R.S. or to remove the phrase altogether to ensure there is no negative inference drawn from its absence in any other sections.

Pg. 1, ln. 6-7:

The Department would suggest removing "with any part of the body or ligature;" from subsection (a). Currently, our office routinely charges §709-906(8), H.R.S. under the original language that applies to an individual who applies pressure on the throat or the neck. This offense has been charged without the addition of "with any part of the body or ligature." Thus,

to avoid further confusion, the Department would suggest removing this phrase.

Based on the foregoing, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 1037, S.D. 1 with the suggested amendments. Thank you for the opportunity to testify on this matter.



March 12, 2019

To: House Committee on the Judiciary

Chair Chris Lee

Vice Chair Joy San Buenaventura

Tom Brower

Richard Creagan

Nicole Lowen

Angus McKelvey

Dee Morikawa

Calvin Say

Gregg Takayama

Ryan Yamane

Cynthia Thielen

RE: Support SB 1037SD1

Dear Members of the Committee:

On behalf of the Hawaii State Coalition Against Domestic Violence and our 23 member programs statewide, I am submitting testimony in **SUPPORT of SB 1037SD1** which would amend the offense of strangulation of a family or household member to include blocking the nose or mouth of the person or applying pressure to the chest and clarifies that infliction of visible injury is not required to establish the offense.

We know strangulation is highly lethal and attempted strangulation often leads to a homicide later; criminal justice research is clear on this matter. In some cases, strangulation has ZERO physical injuries or evidence and that our state has seen an increase in strangulation and attempted strangulation cases in the past few years. The intent of this bill is to strengthen the law.

Our only concern is a possible unintended consequence of bill: inference that visible physical injury would need to be in the rest of the statute if only strangulation is singled out as NOT needing physical evidence, as we know, much of domestic violence does not leave physical injuries.

Thank you for the opportunity to testify on this matter. The HSCADV SUPPORTS SB 1037SD1.

Respectfully,

Carmen Golay, Member Services Manager

cgolay@hscadv.org

SB-1037-SD-1

Submitted on: 3/12/2019 9:47:47 PM

Testimony for JUD on 3/14/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	AAUW of Hawaii	Support	No

Comments:

Dear Chair Lee, Vice-Chair San Buenaventura, and members of the committee,

Thank you for this opportunity to submit a testimony in support of SB1037 SD1 which would strengthen the language of strangulation to include suffocation and to eliminate the lack of physical evidence as a defense in domestic violence cases.

Non-fatal strangulation is a real risk factor for homicide of women (1) and there often are no visible injuries with strangulation, 62% in a study by City of San Diego (2). Hawaii County Prosecutor's Office and Police Department support HB489 because strangulation is on the rise in domestic violence cases in Big Island (3). Please pass this bill and help prosecutors and police prevent homicide by intimate partners.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Mahalo.

(1) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/>

(2) http://www.ncdsv.org/images/strangulation_article.pdf

(3) <https://www.hawaiitribune-herald.com/2019/01/06/hawaii-news/strangulation-a-serious-concern-on-big-island/>

LATE



TO: Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: March 14, 2019; 2:00 p.m., Conference Room 325

RE: TESTIMONY IN SUPPORT OF SB 1037 SD 1– RELATING TO DOMESTIC VIOLENCE

We ask you to support SB 1037 which amends the offense of strangulation of a family or household member to include blocking the nose or mouth of the person or applying excessive pressure to the chest. Clarifies that infliction of visible injury is not required to establish the offense. We support this bill which will add clarifying language and offer additional support for cases of domestic abuse.

Sadly, domestic abuse comes in many forms. Statistics for domestic violence-related strangulation cases are alarming. As a provider of domestic violence prevention and support services, we thank the legislature for offering clarifying language that further supports victims of domestic abuse.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii’s not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of SB 1037 SD 1**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

SB-1037-SD-1

Submitted on: 3/13/2019 11:10:18 AM

Testimony for JUD on 3/14/2019 2:00:00 PM

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

Comments: