



Office of the Public Defender State of Hawaii



Testimony of the Office of the Public Defender, State of Hawaii to the Senate Committee on Judiciary

February 11, 2019

S.B. No. 1047: RELATING TO DOMESTIC VIOLENCE

Chair Rhoads, Vice Chair Wakai and Members of the Committee:

The Office of the Public Defender supports S.B. 1047 but we encourage this Committee to adopt the amendments incorporated in the companion bill in the House of Representatives, H.B. 491, HD 1.

We strongly support the inclusion of the option for a Deferred Acceptance of a Guilty Plea under certain conditions. We believe this provision will have a positive impact on the processing of domestic violence cases in the State of Hawaii. We have long held the position that most first offenders who are charged with abuse or domestic violence offenses are willing and able to participate in domestic violence education classes and that they deserve the opportunity to demonstrate that they have learned how to better manage stress, anger and how to cope with negative emotions that may result in violence. Many of our clients successfully complete their classes and never return to the Family Court because they have learned, they have matured, and they have developed healthier coping skills that last a lifetime.

However, we are concerned that the deferral option is made available only to defendants who plead Guilty. We would ask that the deferral option also be available for those who plead No Contest, as reflected in H.B. 491, HD 1. The dynamics of Family Court cases often focus not just on what may or may not have happened on a particular date but also on the long-term stability or instability of a relationship or family. Many defendants grew up in households where violence was a regular part of life and never learned how to be in a relationship without violence. Education is important to help defendants understand and learn about healthy copings skills and

communication. We believe that by allowing a deferral for a No Contest plea, defendants can avail themselves of the Domestic Violence Interventions classes, gain some knowledge and perspective, and move forward with a healthier outlook on stress management. There are times when a defendant does not fully understand the seriousness of his or her actions until after they have completed the education programs – including parenting classes. If a defendant insists on pleading No Contest, to opt out of having a trial, and is inclined to resolve a case by pleading No Contest and willing to attend the classes – then we believe the deferral option should also be available for this defendant. We have seen cases where defendants choose not to pursue a valid legal defense because they don't want their family member to be forced to testify. This often occurs in cases involving parents and children (either minor children or adult children). In these cases, we believe the No Contest option is appropriate – especially when a defendant is willing to take the classes and abide by any rules or conditions set by the Court as a condition of a deferral. If the goals are to reduce the trial backlog together with education classes to prevent future violence, then also allowing a deferral for a No Contest plea would accomplish those goals.

We also have very serious concerns about subsection (b) of section (6) [see page 9, lines 4-6] and recommend that this section be amended. We submit that this catch-all provision is overbroad. It can be interpreted to read that if you fail to comply with one single condition on deferral (apart from completing the classes) – miss one single appointment or miss one payment – then you “**shall**” get the maximum sentence and have your deferral set aside. We believe this section is unnecessary to accomplish the goals set out in the body of the legislation and removes any kind of discretion from the Court. We ask that it be removed from the legislation or that similar language in subsection (a) be included to allow for a “**good cause**” showing by the defendant for minor technical violations of a term of deferral. Failure to miss one appointment because the bus was late or broke down or because a child is ill and needs to go to the doctor should not be considered a legitimate reason to get the maximum sentence. The lack of discretion or the lack of a “**good cause**” showing is very troubling and will result in unrealistic expectations. Many defendants are barely able to pay rent, keep food on the table for their families, and may need additional time or flexibility in meeting every single one of their obligations - especially when they are making a good faith effort to comply.

We are also concerned about the language in Section 6 [see page 8, line 11] that says a defendant “**shall**”... “**complete within a specified time frame**” an education program is too restrictive. There are currently two contracted providers of Domestic Violence Intervention Classes through the court system. These classes are between 26-29 sessions and cost approximately \$350. A participant must complete all classes; however, a maximum of 4 absences are allowed and make up classes are available. Unfortunately, participants who are seriously ill, or who are homeless and struggling with daily living, or who have transportation issues relating to their reliance on public transportation may struggle to keep up with their schedule. A participant who misses 4 classes because of illness or other extenuating circumstances is required to start the classes from the beginning – a new 26-29 week session at additional cost. We respectfully suggest the language should be amended to “**begin classes at the earliest possible time**” and allow the judge to monitor the completion date to ensure the classes are completed in a timely manner. It is our understanding that the Legislature is aware that changes and adjustments may need to be made in appropriate and available classes for petty misdemeanor offenses versus misdemeanor offenses through the Judiciary.

We also have very serious concerns about the language “**The court shall amend the defendant’s sentence to the maximum term of incarceration**” used in section (6) [see page 8, lines 14-15]. This removes any kind of discretion from the court to review individual progress, to review any showing of ‘good cause’ concerning the failure to complete classes, and it doesn’t provide for intermediate sanctions or incentives to help and promote the completion of the classes in a timely manner. The courts should have the opportunity to review mitigating circumstances and make decisions accordingly. We respectfully suggest that the word “**shall**” be replaced with “**may**”, as reflected in H.B. 491, HD 1. We do agree that the “good cause” exception provided in section (6) [see page 9, line 1-3] is necessary and will give the courts the opportunity to manage the requirements of probation or deferral when it comes to completion of classes and programs.

Thank you for the opportunity to comment on S.B. 1047.



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 14, 2019, 9:30 a.m.
State Capitol, Conference Room 016

By
Christine E. Kuriyama
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 1047, Relating to Domestic Violence.

Purpose: Amends the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties. Allows the granting of a deferred acceptance of guilty plea in cases involving misdemeanor and petty misdemeanor abuse of a family or household member if certain conditions are met. Requires the judiciary to submit annual reports to the legislature on the number and outcome of abuse of family or household members cases. Repeals June 30, 2024.

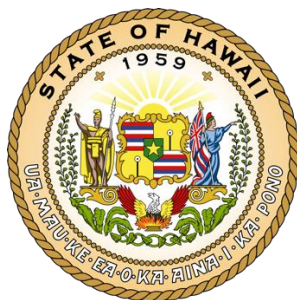
Judiciary's Position:

The Judiciary offers this testimony in strong support of this bill that allows greater flexibility in the sentencing options in HRS Section 709-906 while still emphasizing accountability of the defendant, safety of the victims, and increasing protection for the children in families wracked by domestic violence.

The Judiciary also wishes to reassure the Legislature that, if passed, this bill will not require additional judicial resources to implement.

The Judiciary reiterates its strong support of this attempt to provide more timely process to defendants without sacrificing community safety.

Thank you for the opportunity to comment on this measure.



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

Prepared for the Senate Committee on Judiciary

In Support of SB1047

Thursday, February 14, 2019, at 9:30 p.m. in Room 016

Dear Chair Rhoads, Vice Chairs Wakai, and Honorable Members,

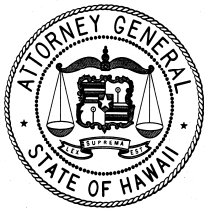
The Hawai'i State Commission on the Status of Women supports SB1047, which would amend the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties. SB1047 would also allow for a deferred acceptance of guilty or no contest plea in cases involving misdemeanor and petty misdemeanor abuse penalties. The measure would also require the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members case.

The Commission is cognizant that varied approaches to intervention are needed for intimate partner violence. Given the continued enormity of the problem, it is clear that a carceral approach to eradicating intimate partner violence has failed. A community-based approach is needed, as compared to an individualized response from the criminal justice system. The state should encourage intervention programming to prevent further violence. Research is clear that imprisonment does not decrease the rate of re-offense.

The dynamics of intimate partner violence are complex. The Commission supports the mandatory completion of a 'domestic violence intervention' that is in conjunction with, rather than supplanting, anger management, substance abuse and parenting coursework. The Commission further supports our community partners' call for a 5-year pilot framework and data collection to guide policy and prevention efforts. A successful domestic violence prevention program would be evidence-based, curriculum-based, provide an instruction manual with treatment standards, and include a minimum of 80-hours of group time.

Sincerely,

Khara Jabola-Carolus



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 1047, RELATING TO DOMESTIC VIOLENCE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 14, 2019 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Landon M.M. Murata, Deputy Attorney General

LATE

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of this bill and recommends the following amendments for clarity and consistency.

The purpose of this bill is to: (1) amend the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense; (2) allow a deferred acceptance of guilty plea in cases involving misdemeanor and petty misdemeanor abuse offenses; and (3) require the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members cases.

The current wording of section 2, page 7, lines 20-21, and page 8, lines 1-2, is not complete as to the appropriate sentencing provisions and unclear as to the application of the prohibition on deferred acceptance of nolo contendere pleas. Section 706-640, Hawaii Revised Statutes (HRS), relates to authorized fines and section 706-663, HRS, relates to imprisonment. There are a host of other provisions that apply to sentencing under parts II, III, and IV of chapter 706. A general reference to chapter 706 in the bill is recommended because it would encompass all of the appropriate sentencing provisions. Additionally, the prohibition in this section of the bill on deferred acceptance of nolo contendere pleas is placed in the same paragraph as the petty misdemeanor penalty even though it appears the drafters of the bill intend for it to apply to misdemeanors as well. The Department recommends including this prohibition as a

separate paragraph for clarity. Accordingly, section 2, page 7, line 21, and page 8, lines 1-2, should be deleted and replaced with the following:

the person shall be sentenced as provided in chapter 706.

- (c) The court shall not defer accepting a plea of nolo contendere under section 853-1 for any offense under this subsection.

The current wording of section 2, page 8, lines 14-21, and page 9, lines 1-6, of the bill does not accurately reflect the procedure set forth in sections 706-625 and 853-3, for revoking a defendant's probation or setting aside deferrals for defendants who fail to complete the court-ordered domestic violence intervention programs or parenting classes. The following amendments are necessary to fulfill the intent of the Legislature as stated in section 1, page 1, lines 4-8. Section 2, page 8, lines 14-21, and page 9, lines 1-6, should be deleted and replaced with the following wording:

The court shall revoke the defendant's probation or set aside the defendant's deferred acceptance of guilty plea and enter an adjudication of guilt, if applicable, and resentence the defendant to the maximum term of incarceration if:

- (a) The defendant fails to complete, within the specified time frame, any domestic violence intervention program or parenting classes ordered by the court; or

- (b) The defendant violates any other term or condition of the defendant's probation or deferral imposed by the court;

provided that, after a hearing on an order to show cause, the court finds that the defendant has failed to show good cause why the defendant has not timely completed the domestic violence intervention program or parenting classes, if applicable, or why the defendant violated any other term or condition of the defendant's sentence.

The Department further recommends the following amendments to sections 2 and 3 of the bill to more clearly establish that a defendant can request and the courts may grant deferred acceptance of guilty or no contest pleas for the misdemeanor and petty misdemeanor offenses of abuse of family or household members under section 709-906. These amendments will clarify the standard defendant must meet in order to

obtain a deferral and that a deferral is only available for misdemeanor and petty misdemeanor abuse of family or household member offenses. The current wording of the bill could be interpreted to establish a different standard for granting a deferral in abuse cases as opposed to all other cases. Further, the current wording in section 2, page 12, lines 3-4 suggests that a defendant could get a new deferral every five years, which appears to run contrary to the intent of the Legislature as expressed in section 1 of the bill.

(1) Section 2, page 11, lines 16-20, and page 12, lines 1-4, should be deleted.

(2) Section 3, page 13, lines 1-3, should be deleted and replaced with “provided that this paragraph shall not apply where a deferral is sought for a plea of guilty to misdemeanor offenses of abuse of family or household members under section 709-906,” and

(3) Section 3, page 15, line 8 should be deleted and replaced with “Any felony abuse of family or household member offense under section 709-906;”.

Thank you for the opportunity to testify.

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

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
The Thirtieth Legislature
Regular Session of 2019
State of Hawai'i**

February 14, 2019

RE: S.B. 1047: RELATING TO DOMESTIC VIOLENCE.

Chair Rhoads, Vice-Chair Wakai and members of the Senate 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 abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties, to allow a deferred acceptance of guilty or no contest plea in cases involving misdemeanor and petty misdemeanor abuse penalties, and to require the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members cases.

The provisions in this measure were arrived at after extensive outreach and consultation by the Women's Legislative Caucus and included the participation of many stakeholders in the criminal justice and law enforcement community. This inclusive process resulted in a bill that is truly fair and makes a multitude of much-needed improvements to HRS Section 709-906. The amendments will result in streamlined prosecutions, decreased court congestion, increased access to protections for victims, and greater access to services for offenders who need treatment, rehabilitation, and yes, consequences.

Our Office is grateful for the work of the WLC in crafting this legislation and we are in enthusiastic support of the bill.

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

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



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE WO-KK

February 14, 2019

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 1047, Relating to Domestic Violence

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

The HPD supports Senate Bill No. 1047, Relating to Domestic Violence.

The HPD recognizes that law enforcement's 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 are identified that may provide better alternatives than the ones that previously existed.

Because of the evolving nature of domestic violence laws, the way in which we address domestic violence offenses are not structured in a logical progressive manner. Consequently, the process in which we deal with domestic violence offenses are often confusing and inconsistent. Included in this are instances in which the level of force utilized by the perpetrator is not sufficient to meet the legal definition of Hawaii Revised Statutes (HRS), Section 709-906, Abuse of a Family or Household Member, but may be enough to constitute a lesser offense such as harassment. These cases (by all accounts a domestic violence incident) are not handled in the same manner as a HRS 709-906 case would be.

The Honorable Karl Rhoads, Chair
and Members
February 14, 2019
Page 2

If passed, this law would fill a gap and create a lesser offense of abuse of a family or household member. It would also identify the lesser offense incident as a domestic violence incident and provide additional safeguards and tools that assist both perpetrators and victims in preventing future incidents.

This law would also provide the necessary relief to the overburdened judicial system by allowing (under specific conditions) a deferred acceptance of guilt plea.

The HPD supports Senate Bill No. 1047, Relating to Domestic Violence.

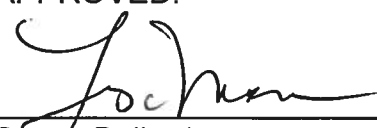
Thank you for the opportunity to testify.

Sincerely,



Water Ozeki, Acting Major
Criminal Investigation Division

APPROVED:



Susan Ballard
Chief of Police

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



DWIGHT K. NADAMOTO
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

LATE

THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2019
State of Hawai`i

February 13, 2019

RE: S.B. 1047; RELATING TO DOMESTIC VIOLENCE.

Chair Rhoads, Vice-Chair Wakai 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 supporting the intent of S.B. 1047.

The Department strongly agrees that significant changes are needed to our Family Court system, in order to seek justice on behalf of Hawaii's victims of domestic violence, protect public safety, and decrease the number of case dismissals that are occurring in the First Circuit. To further this goal, the Department has previously submitted legislative bills that would increase the number of judges and courtrooms available for domestic violence jury trials [S.B. 2949 (2012); HB 2351 (2012)], and supported similar bills that were later introduced by the Judiciary; unfortunately, none of those bills resulted in more domestic violence jury trial courtrooms or judges. Last year, the Department submitted a bill that would have excluded trial delays attributed to "court congestion," from the limited time that the State is permitted to bring a case to trial [S.B. 2175 (2018), H.B. 1772 (2018)]. In addition, this year, the Department submitted a bill that would have exempted domestic violence cases from Rule 48 of the Hawaii Rules of Penal Procedure [S.B. 181 (2019), H.B. 509 (2019)].

We appreciate the effort S.B. 1047 makes to address "non-physical" Harassment (§711-1106, Hawaii Revised Statutes (H.R.S.)) against a family or household member, as the "domestic violence continuum" often begins with various forms of non-physical degradation, intimidation and control. However, we note that many other types of behavior can also be part of this continuum (when committed against a family or household member), such as terroristic threatening, unlawful imprisonment, criminal property damage, theft, robbery, arson, and other offenses found in H.R.S. Chapters 707 and 708. If it is the Legislature's intent to acknowledge this type of behavior as part of the domestic violence continuum, these offenses should also be addressed.

While the Department is generally supportive of creating a petty misdemeanor offense for the charge of Abuse of a Family or Household Member (§709-906, H.R.S.), we would note that this change is unlikely to address the First Circuit's ongoing challenges with court congestion and case dismissals. However, such change may improve public awareness and bring to the forefront the dynamics of domestic violence.

Lastly, the Department would like to caution and bring to the attention of the committee that in allowing a deferral of guilty or no contest plea, defendants who would otherwise be ineligible, wouldn't be precluded from owning a firearm following the deferral period.

Based on the foregoing, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent S.B. 1047. Thank you for the opportunity to testify on this matter.

SB-1047

Submitted on: 2/11/2019 10:07:22 AM

Testimony for JDC on 2/14/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of SB 1047.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii

SB-1047

Submitted on: 2/11/2019 11:06:11 AM

Testimony for JDC on 2/14/2019 9:30:00 AM

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

Comments:

Dear Chair Rhoads, Vice Chair Wakai, and members of the Committee on Judiciary,

Thank you for this opportunity to submit a testimony in support of SB1047, which would amend the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties, allows a deferred acceptance of guilty or no contest plea in cases involving misdemeanor and petty misdemeanor abuse penalties. SB1047 would also require the Judiciary to collect and report on the number and outcome of abuse of family or household members cases.

Hawaii State Coalition Against Domestic Violence with 23 member programs heard from programs and survivors across the state that another level of intervention is needed for intimate partner violence. With a petty misdemeanor level of crime, it is the hope that we can get offenders into quality intervention programming early and prevent further violence.

AAUW of Hawaii sees value in this type of intervention program and thus supports SB1047.



TO: Chair Karl Rhoads
Vice Chair Glenn Wakai
Members of the Committee

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: S.B. 1047 Support

Please accept this testimony in support of SB 1047.

The criminal justice system is not functioning effectively and not serving families suffering the harm of abuse who seek remedy, protection and justice.

Thank you for working with your colleagues to make the necessary improvements with favorable action on S.B. 1047.



TO: Chair Rhoads, Vice Chair Wakai, and Members of the Senate Committee on Judiciary

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

DATE/LOCATION: February 14, 2019; 9:30 a.m., Conference Room 16

RE: TESTIMONY IN SUPPORT OF SB 1047– RELATING TO DOMESTIC VIOLENCE

We ask you to support SB 1047 which seeks to strengthen state and county responses to domestic violence. We support this bill which seeks to improve systems which will hold offenders accountable and offers protection to survivors.

As a provider of domestic violence prevention and support services, we are extremely aware of the overwhelming number of crimes related to relationship violence and the underwhelming number of perpetrators of relationship violence who are arrested or receive services. The more we can do to improve our systems, the better we are able to address the issues of domestic violence, provide services to those who need it and protect survivors through the process. We want all individuals to have the potential to thrive beyond the trauma and navigate a path towards a safe and promising future.

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, and community building programs.

Thank you for the opportunity to testify in **support of SB 1047**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

hscadv



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

Feb 12, 2019

To: Senate Committee on the Judiciary

Chair Karl Rhoads

Donna Mercado Kim

Vice Chair Glenn Wakai

Kurt Fevella

Mike Gabbard

From: Hawaii State Coalition Against Domestic Violence

RE: Support SB 1047

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 1047** which would amend the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties, allows a deferred acceptance of guilty or no contest plea in cases involving misdemeanor and petty misdemeanor abuse penalties and requires the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members cases.

We have heard from programs and survivors across the state that another level of intervention is needed for intimate partner violence. With a petty misdemeanor level of crime, it is the hope that we can get offenders into quality intervention programming early and prevent further violence, which is what this bill seeks to do.

Although we do not dispute that people who engage in serious domestic violence offenses should be brought to justice and imprisoned for their crime, research has shown that it does not decrease the rate of re-offense. In a study conducted in 2016, 1,600 pairs of offenders who were alike in many ways (socio-economic background, race, prior history and level of violence) were studied. The study found no difference at all in the rate of reoffending between the offender who got a suspended sentence, (threat of imprisonment) and those who went to prison. (Timms 2016)

In comparison, studies show that **intervention programming** with specific content, such as those that encourage a strong therapist client relationship and group cohesion, and use some form of motivational interviewing techniques and regular attendance show promising results

hscadv



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

for reducing rates of recidivism for intimate partner violence. In a study conducted in Washington; programs with a mixed modality and diverse intervention showed a 33% reduction in the rate of recidivism versus other controlled means. Likewise, studies conducted in Massachusetts in 2016 showed a decrease in recidivism after domestic violence intervention programming. Simply put, the threat of prison does not seem to impact offender behavior but structured, evidence -based programming does.

The HSCADV would like to support the mandatory completion of domestic violence intervention, which could NOT substituted for other course material to include anger management, substance abuse treatment, mental health treatment, or parenting classes, but could be used in conjunction with. We believe these other courses can be useful in other contexts, but it does not address this specific offense and dynamics, therefore would not reduce recidivism or violence against an intimate partner.

The program which calls itself "domestic violence intervention" would need to be: evidence-based, curriculum-based, have an instruction manual, and be a minimum of 80 hours of group time. Additionally, programs would need to be highly structured and have protocols for victim safety, supervision of group leaders and high degree of accountability. Therefore, we recommend that on page 8 line 11 instead of "any available domestic violence intervention programs..." it instead should read "evidence-based" or define in more detail "domestic violence intervention program" directly in statute.

Additionally, we **strongly support the 5 year pilot framework** for this statute change and the inclusion of data collection that will continue to inform how we do our work for years to come.

Thank you for the opportunity to testify on this matter. The HSCADV SUPPORTS SB 1047.

Respectfully,

Carmen Golay, Member Services Manager

cgolay@hscadv.org

808-832-9316

SB-1047

Submitted on: 2/13/2019 6:43:44 PM

Testimony for JDC on 2/14/2019 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Testifying for Dr. Eileen Gawrys, member, Board of Directors, Domestic Violence Action Center	Support	No

Comments:

SB-1047

Submitted on: 2/11/2019 4:37:29 PM

Testimony for JDC on 2/14/2019 9:30:00 AM

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

Comments:

SB-1047

Submitted on: 2/11/2019 7:34:57 PM

Testimony for JDC on 2/14/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Fred Delosantos	Individual	Oppose	No

Comments:

I oppose SB1047.

SB-1047

Submitted on: 2/13/2019 11:43:40 AM

Testimony for JDC on 2/14/2019 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
aimee chung	Individual	Support	No

Comments:

RE: SB 1047 Support

Please accept this testimony in support of SB 1047.

The criminal justice system is not functioning effectively and not serving families suffering the harm of abuse who seek remedy, protection and justice.

Thank you for supporting SB 1047 to ensure safety for victims and communities.

Mahalo,

Aimee Chung, MSW, LSW