

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on
Judiciary & Hawaiian Affairs**

March 2, 2023

H.B. No. 1344 HD1: RELATING TO ANGER MANAGEMENT

Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

The Office of the Public Defender supports H.B. No. 1344 HD1.

For the past six months, the Domestic Violence Intervention (DVI) Working Group have been discussing and collaborating on how service providers can better serve and educate defendants who have been ordered to participate in DVI classes as part of their sentence. The DVI Working Group includes participants from DVI service providers, the Judiciary/Adult Client Services, the Honolulu Prosecutor’s Office, and the Office of the Public Defender.

On June 17, 2022, ACT 43 (2022 Session) was signed into law and required all defendants sentenced under HRS §586-4 (Violation of a Temporary Restraining Order), HRS § 586-11 (Violation of an Order for Protection), and HRS § 709-906 (Abuse of a Family or Household Member) to take DVI classes.

Service providers, including Child & Family Service (CFS) and the Family Peace Center, became aware of an issue: whether DVI classes were appropriate for every defendant sentenced under the mandatory DVI provisions.

DVI classes are designed for “intimate partners” and are not intended for family or household members who are not in an intimate relationship. Non-intimate relationships include the following: parent/guardian and child; grandparent and grandchild; uncle/aunt and nephew/niece; siblings; or platonic housemates. The Family Court jurisdiction is not limited to spouses or persons in a dating relationship who are intimate partners. The Office of the Public Defender provides services to defendants who may be involved in family conflict that go beyond the husband-wife, boyfriend-girlfriend, partner-partner or spouse-spouse dynamic. We have seen an increase in cases involving non-intimate partners, and H.B. No. 1344 HD1 directly

addresses the need for appropriate alternative classes in the form of Anger Management.

The sole purpose of H.B. No. 1344 HD1 is to allow a service provider to conduct an assessment and to allow that service provider to divert a defendant involved in a case with a non-intimate partner from DVI classes to Anger Management classes. This would allow the service providers to provide more appropriate and targeted classes for that defendant and will help maintain the integrity of any discussions about intimate partner conflicts in the DVI class setting. DVI classes can take up to 25 weeks and involve discussions that may not be appropriate for defendants who have cases that do not involve this dynamic in their relationship with their family or household member. Anger Management classes include the same components as DVI classes without discussions about specific intimate situations which are inappropriate for some participants. Determinations on whether DVI or Anger Management classes are more appropriate would be made by the service providers who can conduct assessments to determine the appropriate type of class for that individual defendant.

Providing appropriate classes is in the interest of public safety. Classes that are more tailored to the needs of the defendants will help ensure better rates of class series completion and help prevent future conflicts that could lead to violence.

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

March 2, 2023

RE: H.B. 1344, H.D. 1; RELATING TO ANGER MANAGEMENT.

Chair Tarnas, Vice-Chair Takayama and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in support of H.B. 1344, H.D. 1, with suggestions.

The purpose of this bill is to ensure that defendants receive the proper treatment when convicted of Violation of a Temporary Restraining Order (“VTRO,” HRS §586-4); Violation of a Protective Order (“VOP,” HRS §586-11); or Abuse of Family or Household Member (“AFHM,” HRS §709-906).

While we appreciate the efforts of the prior committee, the current language may create some ambiguity as to whether all offenders would be required to attend a domestic violence intervention (“DVI”) or anger management course. We believe the ambiguity could be resolved by the addition of a comma, though we also have a few other suggestions for further clarification. **On page 1, lines 6-11, and page 5, lines 8-13, we suggest the following language:**

A person convicted under this section shall [~~undergo domestic violence intervention~~] be ordered by the court for any to complete an assessment at any available domestic violence program [as ordered by the court.] and shall complete a domestic violence intervention course or anger management counseling course, as determined by the domestic violence program.

Also on page 10, lines 1-7, we suggest the following:

shall also [~~shall~~] require that the offender first complete, within a specified time frame, an assessment at any available domestic violence intervention

programs, and then complete a domestic violence intervention course or anger management counseling course, as determined by the domestic violence program, and, if the offense involved the presence of or abuse of a minor, any available parenting classes ordered by the court.

Currently, the sentencing provisions for AFHM, VTRO and VOP require those offenders to participate in a domestic violence intervention program (“DVI”) as part of their sentence. Although DVI can play a key role in the rehabilitation process for the vast majority of AFHM offenders, there are others—particularly those who have no history of *intimate partner* violence—for whom a certified treatment provider may assess that DVI is not the most appropriate program.

In order to ensure appropriate services for all AFHM, VTRO and VOP offenders, the Department agrees that treatment providers should be given some flexibility and discretion, to match each individual to the appropriate services and minimize their chances of recidivism. Over the past several months, the Department has worked jointly with the Office of the Public Defender, Parent and Children Together (“PACT”), Child Family Services (“CFS”) and the Judiciary, to discuss this and other issues that are arising in the treatment process. Based on our discussions, the Department believes that H.B. 1344, H.D. 1, with the additional amendments suggested above, will provide an appropriate degree of flexibility.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of H.B. 1344, H.D. 1, **with suggestions**. Thank you for the opportunity to testify on this matter.



HAWAII STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

March 2, 2023

Members of the House Committee on Judiciary & Hawaiian Affairs

Chair David A. Tarnas

Vice Chair Gregg Takayama

Rep. Sonny Ganaden

Rep. Troy N. Hashimoto

Rep. Daniel Holt

Rep. Linda Ichiyama

Rep. Greggor Ilagan

Rep. Sam Satoru Kong

Rep. John M. Mizuno

Rep. Kanani Souza

Re: HB1344 HD1 Relating to Anger Management

Dear Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, I respectfully submit testimony in **support of HB1344 HD1**. This measure would allow agencies providing domestic violence intervention (DVI) the discretion to divert clients into anger management counseling if anger management is more appropriate for the client. This measure allows agencies to comply with the court order and provide appropriate services.

Currently, the law is indiscriminate and mandates that all offenders convicted of a TRO or protective order violation, or all offenders receiving a deferral on abuse of a family or household member charge be ordered into DVI regardless of the status of the relationship with the victim in the case. This means that all offenders in non-intimate relationships with the victim must go through DVI and DVI agencies must comply with the court order and provide inappropriate services.



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

However, if the offender is in a non-intimate relationship with the victim in the case, then anger management is more appropriate as it will address impulse control and emotional regulation in challenging situations with other family members, like uncles or brothers.

If an offender is in an intimate relationship with the victim, DVI is more appropriate because it consists of both psychoeducational and cognitive-behavioral counseling meant to help offenders choose non-violence with their intimate partners. To help offenders be healthy in their intimate relationships, DVI counselors challenge their thinking around topics like jealousy and sexual violence. DVI counselors also help clients find healthier alternatives to the controlling behavior they use on their intimate partners. For clients who are not in intimate relationships with the victims in their cases, the DVI curriculum can be challenging to relate to.

The amended language will rectify the problem by giving DVI agencies the discretion to offer more appropriate services to clients depending on the outcome of their assessment. DVI agencies' goals are to engage their clients in services so that they are successful and thereby promote safety in the community.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director



Parents And Children Together

BUILDING THE RELATIONSHIPS
THAT MATTER MOST

ParentsAndChildrenTogether.org

TESTIMONY IN SUPPORT OF HB 1344 HD1

TO: Chair Tarnas, Vice-Chair Takayama, & Members
House Committee on Judiciary & Hawaiian Affairs
FROM: Ryan Kusumoto, President & CEO
DATE: March 2, 2023 at 2:00 PM

Parents and Children Together (PACT) supports HB 1344 HD1 Relating to Anger Management, which would allow agencies providing domestic violence intervention (DVI) the discretion to divert clients into anger management counseling if anger management is more appropriate for the client. This measure allows agencies to comply with the court order and provide appropriate services.

Founded in 1968, PACT is a statewide community-based organization providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, we help identify, address, and successfully resolve challenges through our 20 programs. Among our services are early education programs, domestic violence 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.

In relation to this bill, PACT's Family Peace Center has been providing domestic violence counseling for over 25 years and offers a comprehensive community-based program that includes prevention and intervention services. Services on Oahu and Maui strive to bring peace to Hawaii families through a service array that promotes safety, support and accountability to offenders, survivors, and their children.

HB 1344 HD1 corrects a barrier to the provision of appropriate offender services currently found in HRS Chapter 586 (Domestic Abuse Protective Orders) that forces offenders to undergo "domestic violence intervention" even when anger management counseling would be more appropriate and effective. The proposed amendments to HRS 586 would allow programs such as our Family Peace Center to first conduct an assessment of referred clients that would then determine whether domestic violence intervention or anger management services are provided. The distinction between those two types of services is critical to the success of the client in completing their court-ordered requirements as well as their opportunity to build safety and stability for their family.

Thank you for the opportunity to testify. Please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

To: Chair Tamas, Vice Chair Takayama, and Members of the Judiciary and Hawaiian Affairs Committee:

From: Jill Araki, LSW, ACSW, MSW

RE: **In Support of House Bill 1344 HD1: Relating to Anger Management**

Date of Hearing: 03/02/2023

Time: 2:00 p.m.

Location: Room 325

I offer testimony in support of HB 1344 HD1 which allows agencies providing domestic violence intervention the discretion to divert clients into anger management counseling if anger management is more appropriate for the Client's needs. This measure allows agencies to comply with the court order and still provide appropriate services.

I am testifying as a private citizen who has worked in the field of domestic violence for over 30 years: over two decades with survivors and now almost nine years with offenders. I also currently supervise a domestic violence intervention program for people who choose to use violence with their intimate partners, but my testimony today is not on behalf of the agency I work for as they are submitting their testimony in support separately.

There are two reasons I support the bill as outlined below.

1) The amended language helps prevent clients from receiving inappropriate services.

Domestic violence intervention (DVI) is both psychoeducational and cognitive-behavioral counseling meant to help offenders choose non-violence with their intimate partners. To help offenders be healthy in their intimate relationships, DVI counselors discuss their feelings of jealousy and challenge their jealous thoughts and beliefs on sexual violence. DVI counselors also help clients find healthier alternatives to the controlling behavior they use on their intimate partners. For clients who are not in intimate relationships with the victims in their cases, the DVI curriculum can be challenging to relate to.

The law is currently indiscriminate and mandates that all offenders convicted of a TRO or Protective Order Violation, or an Abuse of Household Member charge be ordered into DVI regardless of the status of the relationship with the victim in the case. This means that all offenders in non-intimate relationships with the victim must go through DVI and DVI agencies must comply with the court order and provide inappropriate services.

If the offender is in a non-intimate relationship with the victim in the case, then anger management is more appropriate as it will address impulse control and emotional regulation in challenging situations with non-intimate family members, like uncles or cousins. The amended language will rectify the problem by giving DVI agencies the discretion to offer more appropriate services to clients based on their assessments rather than following an indiscriminate court order that needs to be complied with. DVI agencies' goals are to engage all clients in services so that they are successful thereby promoting safety in the community.

2) The amended language would help to prevent clients from serving potential jail time if they did not attend inappropriate services.

In reviewing some of the cases over the past year of clients on probation who were referred for DVI inappropriately, several of the clients were terminated from services in non-compliance because they were absent too many times.

Since these clients were on probation and did not comply with their court order to complete DVI, these clients' probation officers could file a "revocation of probation" motion with the courts. Should these clients go to jail because the counseling programs had to provide them with inappropriate information regardless of their needs because of their court order? As one client shared in group who went through DVI because he violated his sister's restraining order, "I don't know how to relate to this stuff because my incident was with my sister." Imagine what it must have been like for him when his group covered topics like jealousy and controlling behavior over intimate partners. He ended up terminated from the program for too many absences and could face possible jail time for not complying with the court order.

This bill would fix this problem and engage clients more in services if the services are more appropriate to their needs. There are other sources that refer clients inappropriately for services, but criminal court is the only place where the Judges are mandated by law to refer clients to inappropriate services.

I urge you to pass HB 1344 HD 1 to allow DVI agencies to engage clients with appropriate services which can then help to promote safety in the community. Thank you for this opportunity to testify on this measure.

HB-1344-HD-1

Submitted on: 2/28/2023 9:29:29 PM

Testimony for JHA on 3/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

HB-1344-HD-1

Submitted on: 3/1/2023 10:19:23 AM

Testimony for JHA on 3/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas

Vice Chair Takayama

Committee of Judiciary & Hawaiian Affairs

I respectfully submit testimony in **support of HB1344 HD1**. This measure would allow agencies providing domestic violence intervention (DVI) the discretion to divert clients into anger management counseling if anger management is more appropriate for the client. This measure allows agencies to comply with the court order and provide appropriate services.

Currently, the law is indiscriminate and mandates that all offenders convicted of a TRO or protective order violation, or all offenders receiving a deferral on abuse of a family or household member charge be ordered into DVI regardless of the status of the relationship with the victim in the case. This means that all offenders in non-intimate relationships with the victim must go through DVI and DVI agencies must comply with the court order and provide inappropriate services.

However, if the offender is in a non-intimate relationship with the victim in the case, then anger management is more appropriate as it will address impulse control and emotional regulation in challenging situations with other family members, like uncles or brothers.

If an offender is in an intimate relationship with the victim, DVI is more appropriate because it consists of both psychoeducational and cognitive-behavioral counseling meant to help offenders choose non-violence with their intimate partners. To help offenders be healthy in their intimate relationships, DVI counselors challenge their thinking around topics like jealousy and sexual violence. DVI counselors also help clients find healthier alternatives to the controlling behavior they use on their intimate partners. For clients who are not in intimate relationships with the victims in their cases, the DVI curriculum can be challenging to relate to.

The amended language will rectify the problem by giving DVI agencies the discretion to offer more appropriate services to clients depending on the outcome of their assessment. DVI agencies' goals are to engage their clients in services so that they are successful and thereby promote safety in the community.

Thank you for the opportunity to testify on this important matter.

Pahnelopi McKenzie