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February 18, 2025

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 1098 HD1 – RELATING TO CRIMES AGAINST PROTECTIVE SERVICE WORKERS.**

Hearing: Wednesday, February 19, 2025, 2:00 p.m.
Conference Room 325 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration measure and provides comments.

PURPOSE: This bill specifies that intentionally or knowingly causing bodily injury to a protective services worker who is engaged in the performance of the worker's duties is a class C felony. Clarifies that a protective services worker is a public servant for the purposes of terroristic threatening in the first degree. Effective 7/1/3000. (HD1)

The Committee on Human Services & Homelessness amended the measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

Considering recent threats to protective service workers and efforts to support a safe environment for the protective services workforce, this bill and other strategies are essential to the health and well-being of staff and the effective continuation of their important work statewide.

Protective services workers perform essential public services as they investigate, prevent, and address abuse and neglect of children and vulnerable adults. These State workers face the results of trauma and violence on a daily basis and also experience threats of violence and harassment while performing their job duties and while in the community. Similar to police officers and firefighters, State protective services workers put themselves in harm's way as part of their work as they confront individuals who are known or suspected abusers. This bill adds protective services workers to the list of other public servants included in section 707-711, Hawaii Revised Statutes (HRS), regarding Assault in the Second Degree, and section 707-716, HRS, Terroristic Threatening in the First Degree.

Protective services workers are often targets of physical violence and death threats perpetrated by individuals involved in protective services cases. Anecdotal data indicates that most State protective services workers who have been employed for approximately five years or more have experienced serious threats and/or physical assaults in the course of their work for the State.

When protective services workers are threatened with death or suffer bodily harm, they report that they fear for their physical safety and the safety of their family members. These experiences impact their focus on work because their physical and mental health is compromised. Some staff have left their jobs with DHS to find safer work environments.

What Hawaii protective services workers have reported is consistent with national research on harm to child welfare staff. Results of a 2003 research study by Dr. Christina E. Newhill (Newhill, C. E. (2003). *Client violence in social work practice: Prevention, intervention, and research*. Guilford Press: New York.) noted that child welfare social workers who were harmed by clients, experienced anger, anxiety, shock, helplessness, physical exhaustion, feelings of inadequacy, sleeplessness, intrusive thoughts, and self-blame.

The emotional and physical toll on the State's protective services staff may affect the quality of workers' assessments and responses in addressing the safety of children and vulnerable adults. The public is impacted by the original assault or threat on staff, as it leads to increased staff vacancies that exacerbate the complexity and challenges of providing effective services in a timely manner.

Enhanced penalties are an effort at deterrence. Other strategies include increased law enforcement presence in lobbies and around office areas; safety briefings by law enforcement; "panic buttons" in staff offices and *Safer Watch* phone applications for staff experiencing active threats; increased use of State ID badges; limited building entry points; ensuring protective services staff are aware of and can easily access resources for support, especially mental health services including trauma support through contracted services; updated staff safety procedures and guidelines; and updated information on applying for a restraining order.

DHS is optimistic that this bill will result in a decrease in situations where protective services workers suffer from bodily injury or death threats and may decrease the need for visible law enforcement officers so that the in-office work environment is safe for clients and staff and is not as intimidating.

In addition, the passage of this bill would publicly demonstrate that the State values protective services staff and understands the danger and importance of their daily work. If protective services workers are valued, safe, and protected, recruitment and retention will improve. Improved recruitment and retention will translate to having enough staff to support enhanced service provisions to children, vulnerable adults, and their families in communities throughout the State.

Thank you for the opportunity to provide comments on this measure.

HONOLULU POLICE DEPARTMENT
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OUR REFERENCE TC-BT

February 19, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 1098, H.D. 1, Relating to Crimes Against Protective Services Workers

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

The HPD supports House Bill No. 1098, H.D. 1, Relating to Crimes Against Protective Services Workers.

This bill appropriately provides an additional mechanism to protect our protective services workers against assaults and threats while performing their official job duties. Protective services workers are public servants who perform vital tasks to ensure our community members are healthy and safe. Signing these measures into law will help better protect our protective services workers from harm and threats.

The HPD urges you to support House Bill No. 1098, H.D. 1, Relating to Crimes Against Protective Services Workers.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Thomas Chang, Captain
Criminal Investigation Division

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

February 18, 2025

RE: H.B. 1098 H.D. 1; RELATING TO CRIMES AGAINST PROTECTIVE SERVICES WORKERS.

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in support of H.B. 1098.

H.B. 1098 increases the penalty for intentional or knowing assault of a protective services worker to a Class C felony. By expressly defining protective service workers as public servants, the bill also permits felony prosecution for criminal threats against protective service workers. The bill defines protective service workers as administrators, specialists, social workers, case managers, or aides employed by the Department of Human Services to investigate or respond to the abuse or neglect of a child or vulnerable adult.

Similar aggravated penalties already exist for assaults on prison guards,¹ teachers,² paramedics,³ firefighters,⁴ health care workers,⁵ and sports officials.⁶ Social workers must hazard dangerous and volatile situations, particularly when investigating abuse or neglect. Several cases from around the country bear this out.

¹ HRS § 707-711(1)(c)

² *Id.* § 707-711(1)(e)

³ *Id.* § 707-711(1)(f)

⁴ *Id.* § 707-711(1)(i)

⁵ *Id.* § 707-711(1)(g) (employees at mental health facility); § 707-711(1)(j) (employees at health care facility); § 707-711(1)(l) (contract employees of a mutual benefit society providing case management services in a hospital, health care provider's office, or home)

⁶ *Id.* § 707-711(1)(n)

In 2014, Leah Coleman, a New Jersey child protective services employee, was stabbed twenty-three times by a deranged client.⁷ In 2022, Deidre Silas, an Illinois child services investigator, was stabbed to death when she responded to an endangerment report.⁸ And recently, a Georgia mother stabbed a child protective services worker over paperwork.⁹

H.B. 1098 classes social workers among those particularly liable to assault in the course of their duties. Enhancing the penalty to a felony sends a clear message about the gravity of this offense and our collective determination to protect social workers from criminal harm.

Thank you for the opportunity to testify.

⁷ Jim Walsh, *State Worker, Stabbed 23 Times at Camden Office, Gets Supreme Court Win*, Cherry Hill Courier Post (online), July 20, 2021, available at <https://www.courierpostonline.com/story/news/2021/07/20/leah-coleman-sonia-martinez-taisha-edwards-camden-stabbing-dcpp/8027471002/>.

⁸ John O'Connor, *Social Workers' Field Safety Remains Concern After Killing*, Associated Press (online), Jan. 9, 2022, available at <https://apnews.com/article/business-child-welfare-illinois-springfield-a6120c02b38cb11ddb3e2b4ba80ad6bf>.

⁹ Olivia Lloyd, *Mom of 6-Year-Old Stabs CPS Worker Trying to Get Her to Sign Papers, Georgia Cops Say*, Miami Herald (online), Dec. 10, 2024, available at <https://www.miamiherald.com/news/nation-world/national/article296866334.html>.

HB-1098-HD-1

Submitted on: 2/16/2025 8:29:01 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Support	Written Testimony Only

Comments:

Increasing crimes against protective service workers to a felony is necessary. Please ensure enforcement. If the criminal is said to have a mental health condition please ensure that they are required to have inpatient treatment and then serve time for their crime.

Thank you

Mrs Ruth Love