

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary**

March 17, 2023

H.B. No. 1344 HD2: RELATING TO ANGER MANAGEMENT

Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

The Office of the Public Defender supports H.B. No. 1344 HD2.

For the past six months, the Domestic Violence Intervention (DVI) Working Group has 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 only 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

HD2 directly addresses the need for appropriate alternative classes in the form of Anger Management.

The original purpose of H.B. No. 1344 was 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 KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

March 17, 2023

RE: H.B. 1344, H.D. 2; RELATING TO ANGER MANAGEMENT.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in support of H.B. 1344, H.D. 2.

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).

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 treatment 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 the chances of recidivism. Over the past several months, the Department has worked jointly with the Office of the Public Defenders, 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, we believe the amendments in H.B. 1344, H.D. 2, 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. 2. Thank you for the opportunity to testify on this matter.



TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
FR: Nanci Kreidman, M.A.
Chief Executive Officer
RE: H.B. 1344 HD2

H.B. 1344 HD2 Support

Aloha. It is important for the community to understand what domestic violence looks like, what appropriate intervention is and what programs are suited to address domestic violence. Our community's domestic violence programs work primarily to address partner abuse. We are acutely aware that abuse occurs between siblings, other family members and grandparents and grandchildren.

With programs designed to address one issue, partner violence, they are not equipped nor appropriate to address the other kinds of family violence. So, after an assessment by a domestic violence program a new referral to an anger management program would be the next reasonable step. Funds will likely be needed to meet the expanded need and expectation that our community-based organizations will be asked to work with other family members and address other forms of abuse.

Thank you for hearing this Bill, to enhance the community's capacity for building safe island families, and safe island communities.

Thank you for your favorable action related to H.B. 1344 HD2.

DOMESTIC VIOLENCE ACTION CENTER
ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198
LEGAL HELPLINE: (808) 531-3771
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HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

March 17, 2023

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads
Vice Chair Mike Gabbard
Sen. Brandon J.C. Elefante
Sen. Joy A. San Buenaventura
Sen. Brenton Awa

Re: HB1344 HD2 Relating to Anger Management

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Senate Committee on Judiciary:

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.

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



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

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

CHAIR John M. Mizuno, House Committee on Human Services

HB 1344

Tuesday, 3.14.2023.2023

10:00am, JDC Room 329

IN SUPPORT

Introduction

- 1) My name is Kahala Dotson, and I work for the social services agency Child & Family Service.
- 2) I am an Administrator with CFS and have worked in the Human Services field for over 15 years. CFS works with offenders who are currently referred to DVI and Anger Management services. I am testifying in support of HB 1344 .

Content

- Domestic Violence Intervention services currently is a catchall and does not distinguish between intimate partner violence and those in non-intimate relationships. This poses inappropriate services for those ordered to our current Domestic Violence Intervention (DVI) by the Adult Client service Branch (ACSB), or District Court.
- 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 can 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.
- HB 1344 allows agency provider the discretion to divert clients into anger management if it is appropriate.
- We are proposing that for TRO, Protective Order violations and Abuse of Household Member A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court, unless diverted to anger management counseling based on an assessment conducted by a domestic violence intervention service provider, in which case the person shall complete anger management counseling.
- This language to be amended would assist in providing appropriate services. DVI services find healthier alternatives to the controlling behaviors with intimate partners. For filial, neighbors, or nonintimate partnerships, the DVI curriculum can be challenging to relate to. Anger management is more appropriate as it will address impulse control and emotional regulation.

Closing

- Currently Judges are mandated by law in criminal court to refer clients to what we feel at CFS are inappropriate services.

- Agency providers such as Child & Family Service strive to provide appropriate services that promote safety for the community and successful completion of the services provided.
- We urge you to pass HB 1344 to provide DVI agencies with appropriate services to help those ordered to DVI and Anger management. Mahalo for this opportunity to testify on this bill.

Kahala Dotson
Child & Family Service
808-543-8438



**Parents And
Children Together**

**BUILDING THE RELATIONSHIPS
THAT MATTER MOST**

ParentsAndChildrenTogether.org

TESTIMONY IN SUPPORT OF HB 1344 HD2

TO: Chair Rhoads, Vice-Chair Gabbard, & Members,
Senate Committee on Judiciary
FROM: Ryan Kusumoto, President & CEO
DATE: March 17, 2023 at 10:00 AM

Parents and Children Together (PACT) supports HB 1344 HD2 Relating to Anger Management, which would allow agencies providing domestic violence intervention (DVI) the discretion to provide anger management counseling if anger management is more appropriate for the client. This measure allows agencies to comply with a client's 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 HD2 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.

HB-1344-HD-2

Submitted on: 3/14/2023 7:50:59 PM

Testimony for JDC on 3/17/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Lee	Individual	Support	Written Testimony Only

Comments:

I support HB 1344 HD2

HB-1344-HD-2

Submitted on: 3/14/2023 10:03:13 PM

Testimony for JDC on 3/17/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

I support this bill.

To: Chair Rhoades, Vice Chair Gabbard, and Members of the Judiciary Committee:

From: Jill Araki, LSW, ACSW, MSW

RE: **In Support of House Bill 1344 HD2: Relating to Anger Management**

Date of Hearing: 03/17/2023

Time: 10:00 a.m.

Location: Conference Room 016

I offer testimony in support of HB 1344 HD2 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 2 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-2

Submitted on: 3/15/2023 5:58:48 PM

Testimony for JDC on 3/17/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support