



Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

December 8, 2023

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott Saiki
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Act 19, Session Laws of Hawai'i 2020, the Judiciary is transmitting a copy of the *Report on Domestic Violence and Increased Offender Accountability*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile
Administrative Director of the Courts

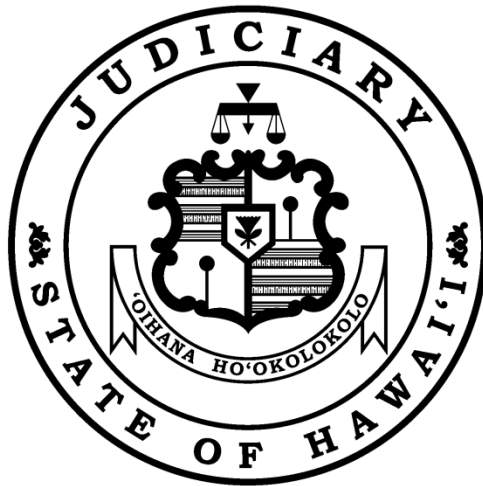
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**ANNUAL REPORT TO THE THIRTY-SECOND LEGISLATURE
2024 REGULAR SESSION**

A Report on Domestic Violence and Increased Offender Accountability

**Pursuant to Act 19, SLH 2020
(HRS § 709-906)**



Prepared by:

The Judiciary, State of Hawai'i

December 2023

**ANNUAL REPORT TO THE THIRTY-SECOND LEGISLATURE
2024 REGULAR SESSION**

A Report on Domestic Violence and Increased Offender Accountability

Pursuant to Act 19, SLH 2020

HRS § 709-906

Effective January, 1, 2021, Act 19, SLH 2020 (Act 19), established a five-year pilot project “to strengthen state and county responses to domestic violence and increase offender accountability” by creating a petty misdemeanor abuse of family or household member offense, permitting a deferred acceptance of guilt plea for petty misdemeanor and misdemeanor abuse of family or household member charges, and requiring the Judiciary to report data on the project.

For regular sessions of 2022, 2023, 2024, 2025 and 2026, the Legislature required the Judiciary to submit a report on cases filed with the Judiciary involving offenses under section 709-906, Hawai'i Revised Statutes. The report is to include the number of cases, by category, that were dismissed, the number found not guilty, the number found guilty, and other outcomes. In the cases where domestic violence intervention or parenting classes were court ordered, the report shall include the number of cases by category, in which the program was completed or not completed as well as the consequences for failing to complete the program.

The table below reports the numbers by category: felony, misdemeanor, and petty misdemeanor.

	Felony	Misdemeanor	Petty Misdemeanor	All Cases
709-906 Cases Filed with the Judiciary 1/1/2021 – 6/30/2023	938	2,017	905	3,860
Pending Adjudication	246	485	152	883
Dismissed w/ Prejudice	75	239	141	455
Dismissed w/o Prejudice	232	490	287	1,009
Nolle Prosequi	101	258	95	454
Acquitted	2	14	4	20
Other Disposition	86	32	6	124
Plead Guilty	66	91	32	189
DVI or DV Assessment Court Ordered*	44	73	21	138
DVI/AM Completed*	20	25	4	49
DVI/AM Not Completed*	24	48	17	89
Resentenced to Probation	0	9	3	12

	Felony	Misdemeanor	Petty Misdemeanor	All Cases
Resentenced to Maximum Term of Incarceration	0	6	3	9
Parenting Court Ordered	8	4	0	12
Parenting Completed	4	0	0	4
Parenting Not Completed	4	4	0	8
Resentenced to Probation	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	0	0	0
Finding of Guilt	53	100	27	180
DVI or DV Assessment Court Ordered	41	71	17	129
DVI/AM Completed	10	26	6	42
DVI/AM Not Completed	31	45	11	87
Resentenced to Probation	3	4	2	9
Resentenced to Maximum Term of Incarceration	1	5	1	7
Parenting Court Ordered	10	9	1	20
Parenting Completed	3	1	0	4
Parenting Not Completed	7	8	1	16
Resentenced to Probation	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	0	0	0
DAG	14	150	86	250
DVI or DV Assessment Court Ordered	12	131	73	216
DVI/AM Completed	7	70	30	107
DVI/AM Not Completed	5	61	43	109
Deferral Set Aside	1	2	2	5
Resentenced to Maximum Term of Incarceration	1	1	0	2
Parenting Court Ordered	5	29	7	41
Parenting Completed	2	12	3	17
Parenting Not Completed	3	17	4	24
Deferral Set Aside	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	0	0	0
DNC	6	29	19	54
DVI or DV Assessment Court Ordered	5	26	16	47
DVI/AM Completed	5	11	6	22
DVI/AM Not Completed	0	15	10	25
Deferral Set Aside	0	3	0	3
Resentenced to Maximum Term of Incarceration	0	1	0	1

	Felony	Misdemeanor	Petty Misdemeanor	All Cases
Parenting Court Ordered	2	4	2	8
Parenting Completed	1	0	0	1
Parenting Not Completed	1	4	0	5
Deferral Set Aside	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	0	0	0
No Contest	57	129	56	242
DVI or DV Assessment Court Ordered	36	75	37	148
DVI/AM Completed	15	23	10	48
DVI/AM Not Completed	21	49	27	97
Resentenced to Probation	2	6	2	10
Resentenced to Maximum Term of Incarceration	0	4	4	8
Parenting Court Ordered	7	13	3	23
Parenting Completed	6	2	1	9
Parenting Not Completed	1	11	2	14
Resentenced to Probation	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	0	0	0

This report covers cases that were filed and disposed between January 1, 2021 and June 30, 2023.

- Act 23, SLH 2023 changed language in HRS 709-906 from, “A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court,” to, “A person convicted under this section shall be ordered by the court to complete an assessment at any available domestic violence program and shall complete a domestic violence intervention or anger management court as determined by the domestic violence program.” This is the basis for changing the wording in the table.
- The large number of dismissals are most likely due to State v. Thompson, 150 Hawai'i 262 (2021), regarding how criminal complaints are filed.
- Reason(s) dispositions may be more than court-ordered programming (for example, the number of dispositions for “Finding of Guilt” is 180 and there were 129 cases where DVI was court ordered):

This table represents the status of cases as of June 30, 2023. It may be that the cases were disposed by June 30, 2023 and not sentenced by

June 30, 2023. Disposition is the outcome of the case such as the person being found guilty or a deferral being granted. Sentencing is when the court imposes penalties such as placing someone on probation and ordering conditions such as the completion of programming. Disposition and sentencing can happen during the same hearing or a sentencing date can be set after disposition.

- Reason(s) not completing programming has not led to an equal number of consequences such as being resentenced to probation or jail or having a deferral set aside:

Completion of DVI programming takes, on average, about seven-and-a-half to nine months and many clients are still participating in DVI programming. There are also times when probation and a term of jail/incarceration is ordered and clients are not referred to program until they are released. There are also instances where clients need to complete another program such as substance-abuse treatment before being referred to DVI program. There are several cases where sentencing took place near the end of the reporting period and there was not sufficient time for the client to be referred to a domestic violence program, assessed for domestic violence intervention or anger management, and subsequently start participating in group. Finally, there are a number of cases where the client was terminated from the program and a motion to revoke probation or to set aside the deferral has been filed and is pending disposition.

- Regarding parenting programming: many clients are still working toward completing DVI before moving on to parenting.
- As an objective of Act 19, SLH 2020 was to facilitate the disposition of domestic violence cases, it is important to note that at the end of FY 2022, 34 percent of cases were still pending disposition; however; at the end of FY 2023, the percentage dropped to 23 percent.