

STATE OF HAWAII
IMPLEMENTATION PLAN FOR THE
S.T.O.P. VIOLENCE AGAINST WOMEN
FORMULA GRANT
FY 2000

*Department of the Attorney General
Crime Prevention and Justice Assistance Division*

October 2000

FOREWARD

The State of Hawaii is submitting this implementation plan to address the reduction of violent crimes against adult female victims of sexual assault and domestic violence. In the five years of participation with the U. S. Department of Justice in the VAWA S.T.O.P. Violence Against Women Formula Grant Program, we have had the continued legislative and funding support provided by our Federal Government in achieving this vital mandate to protect and assist women and our communities from abusive and threatening behavior.

The S.T.O.P. Violence Grant has facilitated a higher degree of government and victim service provider collaboration, producing new partnerships for strategic planning and funding of projects to serve a greater number and wider array of women than traditionally addressed. Planning and resource allocation now look beyond the initial crisis intervention, and work toward the concept of a “seamless system” that assists battered women toward a successful transition to a safer position through extended case management and specialized services. Special needs populations and rural areas of the state are included in development and provision of services.

The impact of these efforts have been evident in the fact that no aspect of the system has been untouched: improvements have been made ranging from our state statutes on sanctioning violent crime, our agencies’ expanded policies and protocols (both government and private, non-profit victim services) in responding to services, the more compassionate manner in which services are rendered to victims of violence, to the technical improvements in recording and utilizing information on violent crimes, and the general community’s increased awareness and education of the issues. The results over the past five years have been a gradual reduction in the number and severity of domestic violence and sexual assault offenses, an increase in the calls for services, and a more proactive criminal justice response to offenders.

We are constantly challenged to sustain and increase these efforts, in the face of the current economic situation that our State has continued to experience in the past eight years. Much remains to be accomplished before we can say that the situation is resolved, but we need to acknowledge what we have achieved thus far. This strategy will serve as a guide to continue and expand our efforts toward that resolution.

**FY 2000 S.T.O.P. VIOLENCE AGAINST WOMEN
FORMULA GRANT IMPLEMENTATION PLAN**

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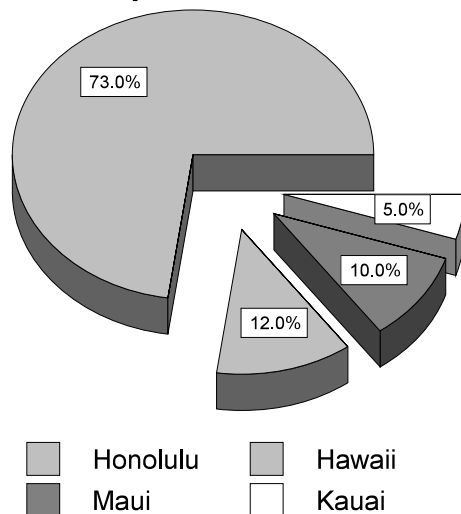
I. SCOPE OF PROBLEM

A. Demographic Characteristics

Hawaii ranks 41st among the 50 States in population, with a total resident population of 1.18 million, according to the *State of Hawaii Data Book, 1999*. In 1995 the State Data Book estimated that adult females, eighteen and over, comprise approximately 35% (418,455) of the state's population. In the year 2000, it is estimated that they will comprise approximately 36% (446,271), and 37% (501,148) of the resident population by the year 2010. The ethnic distribution in the State, by self classification or by race of mother or father, includes 36% Asian, 22% Caucasian, 21% Pacific Islander, and 2% African American. Hispanic is classified in the remaining 19% mixed, non-Hawaiian category. Among the Asian population, Japanese comprised the largest group (18%), followed by Filipino (13%), and Chinese (4%). Hawaiian/part Hawaiian comprised 21%. Between 1992-1996, average annual immigration for those reporting Hawaii as their intended permanent residence was 8,021 with 56% originating from the Philippines. Other countries of birth include People's Republic of China (8%), Japan (6%), Korea (5%), and Vietnam (5%). While English is the primary language spoken in the home, approximately 25% of the non-English speaking population over five years old spoke another language, mainly Japanese (27%), a dialect of Filipino (22% Tagalog and 10% Ilocano), or Chinese (Cantonese 10%).

Figure 1

State Population Distribution



The State has four county units of government. In July 1999, City and County of Honolulu had a population of 864,571 (73%); County of Hawaii, 142,390 (12%); County of Maui, which includes the islands of Maui, Lanai and Molokai, 121,997 (10%); and County of Kauai, 56,539 (5%) (see Figure 1). Per capita personal income for the State in 1996 was \$25,421, with the Neighbor Island counties averaging \$20,934. The County of Hawaii had the lowest at \$19,056. The State's median family income in 1995 was \$43,973, with Hawaii County having the lowest at \$35,093. It also has the highest percentage of persons in poverty at

15.5%, compared to the statewide average of 9.9%. Statewide the poverty status in 1989 found 41.7% of female householders with related children under 5 years to be below the poverty level.

B. Domestic Violence

Domestic Violence is defined under HRS §586-1:

- (1) *Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or*
- (2) *Any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member.*

“Family and household members” are defined as spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship. Offenses for Abuse of Family and Household Members (AFHM) are found under HRS §709-906:

“It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member, or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member may, upon request, transport the abused person to a hospital or safe shelter.”

Table 1

REPORTS FOR ABUSE OF FAMILY AND HOUSEHOLD MEMBER* - HRS §709-906					
LOCATION	1995	1996	1997	1998	1999
City and County of Honolulu	4,665	5,966	4,873	4,107	3,211
County of Maui	3,147	3,004	3,258	3,431	3,447
County of Hawaii	985	1,116	1,091	1,105	1,028
County of Kauai	368	261	245	321	327
Total	9,165	10,347	9,467	8,964	8,013

Source: County Police Departments

*includes juveniles

Domestic violence incidents could also be classified under a multitude of other related offenses, ranging from felony arrest for assault to a misdemeanor arrest for harassment, or a property offense (e.g., criminal property damage). Unfortunately these reports and arrests that involve domestic or family violence, particularly the felony level offenses, are not readily identified as such and therefore not included in the domestic violence statistics on Table 1. Non-reporting of incidents as domestic violence to law enforcement is due to a variety of reasons, such as fear of revictimization, cultural inhibitions, and frustration with the criminal justice response. In the Department of the Attorney General’s (DAG’s) *Crime and Justice in Hawaii: 1998 Hawaii Household Survey Report*, the two most cited reasons for not reporting

crime were that the victim felt that the offense was not important enough to report, and that the police could not do anything about apprehending the perpetrator for the offense. Table 1 shows an 11% decrease in the number of reports filed by police in 1999 under the AFHM statute, with Honolulu County showing the largest at a 22% decrease. Maui Police Department continues to show an inordinately higher rate of reporting due to the fact that this is the only police department currently compiling reports for AFHM that include all verbal abuse incidents, which account for 75% of these reports. The physical abuse incidents average 781 for the past five years (1994-1998), which is more proportionate to its population and arrest rates. Overall, there has been a decrease of 13% in reports for AFHM from the five year period between 1995 to 1999, with decreases occurring for the past three years.

Table 2

ARRESTS FOR ABUSE OF FAMILY AND HOUSEHOLD MEMBER - HRS §709-906					
Location	1995	1996	1997	1998	1999
City and County of Honolulu	2,750	2,735	3,007	2,569	2,365
County of Maui	640	614	644	624	610
County of Hawaii	565	485	544	564	600
County of Kauai	166	124	135	217	184
Total	4,121	3,958	4,330	3,974	3,759

Source: County Police Departments(1995); HCJDC (1996-1999)

The four county police departments have mandatory arrest policies for the Abuse of Household Member statute, which is a misdemeanor offense. The standard for the mandatory arrest for abuse of household members is “visible injury or complaint of pain”. Table 2 shows arrests under the Abuse of Household Members statute decreased by 5% statewide from 1998 to 1999, the third year of declines in arrest. The County of Kauai had the largest decrease in arrests during this period (15%), with Honolulu following at a 9% decrease in arrests. Only Hawaii County showed an increase (6%) for 1999 arrests. There is a 9% overall decrease in arrests for AFHM between 1995 and 1999 statistics. The decline in arrests could be impacted by the establishment of a statewide standardized bail schedule at the start of 1998. Bail for the initial offense was raised to \$1,000, with \$2,000 for subsequent arrests for domestic violence offenses. Other factors may include law enforcement public education campaigns, more prompt service of protection and restraining orders, and use of crisis counselors as part of the domestic violence response call.

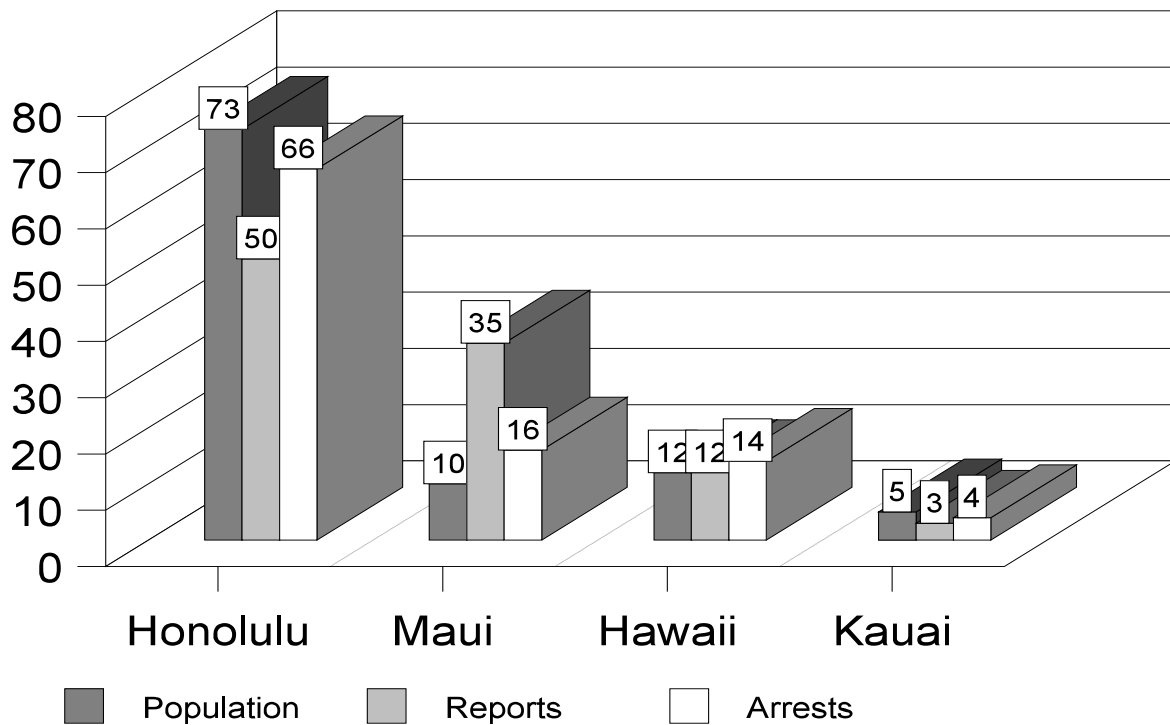
Table 3

PERCENTAGE OF ARREST FOR REPORTED INCIDENTS OF AFHM					
Location	1995	1996	1997	1998	1999
City and County of Honolulu	58.9	45.8	61.7	62.5	73.7
County of Maui	20.3	20.4	19.8	18.2	17.7
County of Hawaii	57.4	43.5	49.9	51.0	58.7
County of Kauai	45.1	47.5	55.1	67.6	56.3

A comparison of the percentage of arrests to the number of reported incidents (Table 3 above) shows a wide variance over the different years, with the exception of Maui County. The Maui Police Department's domestic violence program that has included crisis counseling for victims, reporting of verbal abuse cases and close case tracking over the past five years appears to have resulted in the steady decline of arrests for domestic violence cases.

Figure 2

Distribution of County Population and Abuse Reports and Arrests - FY 1995-1999 (Percent)



The reporting and arrest trends for domestic abuse appear proportional to the population distribution, with the exception of a slightly lower proportion of reports in the City and County of Honolulu (50%), as illustrated in figure 2 above. The proportion of reports for Maui County (with 10% of the State population) includes all verbal abuse incidents as mentioned above, but would total 11% if limited to physical abuse incidents only. This figure would put it within the range of reporting with the other Neighbor Island counties.

The Family Court in each of the four Circuit Courts issues temporary restraining orders (TRO) and protection orders (PO) in domestic violence cases involving family or household members. The District Courts issue injunctions for non-related partners in domestic violence cases which do not qualify under the Domestic Abuse statute; in the First Circuit, there are also a number of domestic violence cases involving family or household members, that are sent to District Court for adjudication. Table 4 represents only those cases heard in the Family Courts. For the past three fiscal years, TRO filing have increased steadily, but there is a decrease of 7% for FY 1999. Only Kauai experienced an increase in filings (21%), while both Honolulu and Hawaii counties declined by 9%. Maui had a slight increase (2%) during this period. Comparing FY 1995 and FY 1999, there is a 4% increase in filings.

Table 4

FAMILY COURT TEMPORARY RESTRAINING ORDER (TRO) FILING BY STATE FY					
Family Court (County)	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
First Circuit (Honolulu)	1,658	1,326	1,590	2,016	1,835
Second Circuit (Maui)	390	392	369	398	407
Third Circuit (Hawaii)	785	730	801	759	690
Fifth Circuit (Kauai)	95	105	135	102	123
Total	2,928	2,553	2,859	3,275	3,055

Source: Judiciary Annual Reports for FY 1995, 1996, 1997, 1998, 1999
30)

*Fiscal Year (July 1 to June

Arrest for violations of TROs presents a measurement that complements information related to filing for protection against domestic abuse. The data from the Hawaii Criminal Justice Data Center (HCJDC) reflect calendar years in Table 5. The pattern for the past year indicates a decrease of 14% statewide, the first decline in two years. Hawaii County showed a 24% decline in TRO arrests, with Maui at a 10% decrease and Honolulu at a 9% decrease in TRO arrests. Coding of violations by the police departments may prevent capture of all domestic violence-related arrests, as mentioned earlier. The variance in the Honolulu Police Department statistics between 1996 and 1997 could be attributed to the use of a Contempt of

Court violation under HRS §710-1044, rather than HRS §586. Between 1998 and 1999, Kauai County statistics, which saw a 100% increase in TRO violations from 1997 to 1998, had the largest decrease in arrests (49%), which could again reflect a change in the statistical methodology. *(In the previous FY 1999 State Implementation Plan, the figures for Maui and Hawaii Counties for 1996-1998 were inadvertently reversed, and are corrected in this report.)*

Table 5

FAMILY COURT TEMPORARY RESTRAINING ORDER (TRO) ARRESTS				
County	1996	1997	1998	1999
Honolulu	716	941	911	825
Maui	228	239	241	216
Hawaii	224	212	228	174
Kauai	37	42	90	46
Statewide	1,205	1,434	1,470	1,261

Source: Hawaii Criminal Justice Data Center

Prosecution of domestic violence misdemeanor cases (HRS §709-906) has been difficult to assess for a number of problems. Different case tracking systems and classification of cases by the four county prosecution offices make comparison difficult. All of the offices provide for vertical prosecution of domestic violence cases, although the structure of the domestic prosecution unit varies on each county. Deputy prosecutors also handle felony offenses that have a domestic violence connection; TRO and protection order violations are not necessarily a part of their caseloads. Refer to Table 6. The cases numbers for each year do not total to equal the different disposition categories because of carryover cases between the years, and the other types of dispositions that may occur.

Table 6

DOMESTIC VIOLENCE MISDEMEANOR PROSECUTION			
County	1997	1998	1999
Honolulu			
- Cases Received	1,488	1,170	1,282
- Declined Prosecution	31	30	15
- Plea Guilty as Charged/Lesser Degree/No Contest	1,291	1,022	1,141
- Found Guilty as Charged	70	47	34
- Acquitted	95	71	89
- Dismissed With/Without Prejudice			3
Hawaii			
- Cases Received	1,531	1,614	1,457
- Declined Prosecution	272	281	257
- Plea Guilty as Charged/Lesser Degree/No Contest	182	174	115
- Found Guilty	515	481	485
- Acquitted	19	28	19
- Dismissed With/Without Prejudice	107	227	196
Maui			
- Cases Received	716	703	
- Declined Prosecution	101	94	
- Plea Guilty as Charged/Lesser Degree/No Contest	195	188	
- Found Guilty	68	63	
- Acquitted	17	77	
- Dismissed With/Without Prejudice	146	113	
Kauai			
- Cases Received	279	276	289
- Declined Prosecution	91	135	120
- Plea Guilty as Charged/Lesser Degree/No Contest	137	104	135
- Found Guilty	8	11	4
- Acquitted	7	6	9
- Dismissed With/Without Prejudice	33	15	10

Source: County Prosecution Offices

In a DAG report titled, *Murder in Hawaii 1992-1997*, (June 1998), there were 280 reported murders in the state during this six year period, of which 68 were “domestic violence-related”. Under the definition applied to this phrase, the report includes as “domestic violence-related murders” those which resulted from either child abuse or domestic arguments. To more objectively compare statistics over time and/or between jurisdictions, the Crime Prevention and

Justice Assistance Division has calculated the rate of domestic violence murders. The number and rate of domestic violence-related murders in 1998 and 1999 have been reduced by half from the 1995 figures (refer to Table 7). Firearms were used in half of all domestic violence murders, and deaths of a comparatively large proportion (43%) of female murder victims are attributed to domestic altercations.

Table 7

DOMESTIC VIOLENCE-RELATED MURDERS					
Year	1995	1996	1997	1998	1999
No. of DV-related murders	16	8	8	6	7
DV-related proportion of total murders (per cent)	23.2	20.0	17.0	35.2	18.9
DV-related murder rate, per 100,000 residents	1.4	0.7	0.7	0.5	0.6

Source: Department of the Attorney General (CPJA)

Table 8 provides the number of victim contacts with agency service providers as a result of abuse. There are nine shelter facilities statewide (3 on Oahu, two on the island of Hawaii, one each on the islands of Molokai, Kauai and Maui), and one for military victims/dependants only. In its FY 1998 Annual Report for the Family Violence Prevention and Services (FVPS) Grant, the Department of Human Services noted that “It is not uncommon for a woman to use a shelter six to eight times before leaving the violent setting for good (if she ever does)”. While the statistics for Shelter and Adults Receiving Individual Services have alternated in single digit increases and/or decreases, Hotline and Information/Referral Calls and Other Services (particularly in the Legal Advocacy area) have seen substantial growth. The shelter reporting periods for FY 1995 and 1996 are federal fiscal years (October to September), and the FY 1997 through FY 1999 are reported under the State fiscal period (July to June). In FY 1999 there was a decline in the types of services available at shelters, with a decrease of 10% of adults served in shelters, a 9% decrease in number of bed days for adults and families in shelter, and a 4% decrease in the number of “hotline” and information and referral calls to shelters. The statistical data for shelter services over the five year period (FY 1995-1999) do not show any specific upward or downward trend, but rather a minor variance each year.

Table 8

STATEWIDE SHELTER SERVICES FOR DOMESTIC VIOLENCE VICTIMS					
Type of Service	Number of Clients/Service Calls				
	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Adults served (unduplicated)	1,033	976	1,028	947	848
Hotline and Information/Referral Calls	7,404	8,072	10,066	11,392	10,928
Number of Bed Days (Adults/Families)	31,395	28,445	29,639	32,898	30,099

Source: FVPS Grant: Annual Reports for 1995 to 1999, DHS Social Services Division

Table 9 shows the array of services currently provided by non-governmental service provider services, over and above shelter services. Over a dozen statewide victim services agencies were surveyed on the number and types of non-shelter services provided to domestic violence victims, and these included hotline and information/referral calls, legal advocacy, support groups, batterers' intervention treatment, and outreach/education.

Table 9

DIRECT SERVICE CONTACTS WITH DOMESTIC VIOLENCE VICTIMS- CY 1999	
Type of Service	Number of Clients/Service Calls (Duplicated)
Hotline Calls (Crisis Counseling)	13,823
Information/Referral Calls	19,456
Legal Advocacy (TRO's, Divorce, etc.)	1,440
Support Groups (including shelter clients)	6,702
Outreach/Education Community Presentations, Training)	3,608
Other Services: Visitation Services, Court Accompaniment, Parent Skills, etc.	1,900
Batterers' Intervention (clients entering program)	3,537

Source: PACT/Puu Ho'nua, Women Helping Women, YWCA of Kauai/ATV, Hale Ola Windward Shelter, DVCLH, CFS (DOV, Hale 'Ohana Shelter), Legal Aid Society, Family Crisis Shelter, Catholic Charities, Sisters Offering Support.

C. Sexual Assault (SA)

Sexual Assault is defined in HRS §707-730 as occurring when:

“The person knowingly subjects another person to an act of sexual penetration or sexual contact by strong compulsion.”

According to the U.S. Bureau of Justice Statistics (BJS) report in 1993, just one-third of all sexual assaults are reported to the police nationally, and only 5% of those which are reported result in an alleged offender being arrested, charged, tried, convicted, sentenced and incarcerated. In the *Crime and Justice in Hawaii: 1998 Household Survey Report* from the Department of the Attorney General, only one-fifth (20%) of rape victims reported the offense of rape or attempted rape to the police. In the DAG’s Crime Trend Series: *Felony Sexual Assault Arrests in Hawaii* (January 1997), over half of the adult victims were 18 to 29 years old, and over half were victimized by an acquaintance or boyfriend. In the same report, the profile of those arrested for sexual assault showed a median age of 33, with 70% between the ages of 18 and 39, and unskilled laborer (31%) or unemployed (27%) status.

This information was reinforced by a July 2000 study *Reporting Sexual Assault to the Police in Hawaii*, released by the University of Hawaii and Department of the Attorney General. In a collaborative effort with the Sex Abuse Treatment Center (SATC), the study examined a sample of 709 female victims of non-incestuous assaults, who were 14 years or older and treated at the SATC within one year of the assault. Of the victims who went to SATC, 71% reported the sexual assault to the police. The number of women who are sexually assaulted in Hawaii, and do not contact the police or the SATC is not known. The results of the study indicate that variables relating to the victim herself (ethnic background, certain resistance strategies, and self-blame), with the exception of “threats by the assailant”, are more predictive of police reporting. Victims who were threatened, or felt little or no self-blame for the assault were more apt to report the assault to the police. Another finding, although somewhat indirect, suggests that the high proportion of assaults involving sexual penetration, coupled with the SATC referrals by the police, may indicate that victims are less likely to report to police when penetration did not occur.

This same study provided the following victim characteristics: the largest age category for the sample was 20-29 years of age (44.3%), followed by those 14-19 years (30.3%). The majority of the sample, 62.1%, was in the “never married” category; 15.7% were divorced; and 14.1% were married. The largest ethnic group was Caucasian (40.6%), followed by Hawaiian and part-Hawaiian (20.7%). Contrary to the view that sexual assault usually involves a stranger assailant, the data clearly indicate that more victims (69.6%) are assaulted by known assailants. These known assailants included acquaintances (31.1%), men who were their dates, boyfriends, husbands or partners (15.2%), friends (7.3%), and “others”, such as clients, neighbors, co-workers, and family friends (16%).

Reported incidents of forcible rape in Hawaii, which is defined as “the carnal knowledge of a female forcibly and against her will”, slightly increased (by 1%) statewide in 1999 according to the the Uniform Crime Reporting program. This isolated figure does not indicate the disparity

in increases and decreases experienced within the counties over the past year. Maui County had a 30% decline in reported incidents, while Hawaii County and Kauai County saw increases of 38% and 33%, respectively. Assaults or attempts to commit rape by force or threat of force are also included. Statutory rape without force, any sexual assault against males, and other sex offenses are not included in this category. The numbers include female victims under 18 years of age, although the majority of victims are adults. See Table 10 below for these statistical data.

Table 10

REPORTED INCIDENTS OF FORCIBLE RAPE OF FEMALES UNDER UCR					
Location	1995	1996	1997	1998	1999
City and County of Honolulu	217	222	257	242	235
County of Maui	48	39	49	47	33
County of Hawaii	49	45	46	45	62
County of Kauai	22	20	19	18	24
Total	336	326	371	352	354

Source: Crime in Hawaii, 1999

Table 11 provides the number of rape arrests by county. The police arrest reports include only those cases where a charge has been made following the conclusion of all investigations, and includes both adult and juvenile offenders. There was a statewide decline of 20% in the number of arrests for forcible rape between 1998 and 1999, with Honolulu and Maui Counties showing decreases of 37% and 35%, respectively. Hawaii County had a 13% increase in arrests, but Kauai increased its arrests by 1100%. The jump in Kauai County arrests could be attributed to increased identification of the perpetrators by the victims, and the specialized deputy prosecuting attorney currently heading the sex assault crimes effort in grand jury indictments, according to the Kauai Police Department.

Table 11

ARREST FOR FORCIBLE RAPE OF FEMALES UNDER UCR					
Location	1995	1996	1997	1998	1999
City and County of Honolulu	67	80	86	97	61
County of Maui	15	22	15	17	11
County of Hawaii	14	24	18	16	18
County of Kauai	9	4	5	1	12
Total	105	130	124	127	102

Source: Crime in Hawaii, 1999

Sex assault services are provided by four programs throughout the state: one each on the islands of Oahu, Hawaii, Maui, and Kauai. The continuum of services includes crisis

intervention, counseling, medical services, and legal advocacy. Table 12 illustrates the direct service contacts for adult female sex assault victims statewide; however, it should be noted that the numbers are a reflection of individuals who are *accessing the services*, and where there is the *availability of services* for sexual assault victims. Over the past several years, the waning State economy has resulted in cuts to crisis and treatment funding services to sexual assault services agencies. The deficit budgeting required providers to seek other sources of funding, including VAWA grants, to maintain basic services to victims. The situation has been coupled with a difficulty faced by the service agencies in recruiting and retaining therapists, who receive much higher compensation through insurance or third-party reimbursement.

Table 12

STATEWIDE SERVICES FOR ADULT FEMALE SEXUAL ASSAULT VICTIMS			
Type of Service	FY 1998	FY 1999	FY 2000
Crisis Phone Intakes (all calls)	2,760	2,245	2,153
Crisis Stabilization/Crisis Counseling	577	509	556
Clinical/Legal Advocacy (new/pending cases)	1,472	807	731

Source: Kapiolani Medical Center for Women and Children

II. PREVIOUS AND CURRENT EFFORTS

A. Efforts under the STOP (Services, Training, Officers, Prosecutors) Violence Formula Grant

The initial STOP Formula Grant for FY 1995 was directed at a systems approach to responding to the violence against women through the funding of two statewide projects:

- Establishing a centralized victim information management system that would provide client and incident-based data to assist criminal justice and private service provider agencies in the planning of services and resource allocation for women who are victims of violence. The private service provider and discretionary allocations were combined to fund the Victim Information Management System Project under the Department of the Attorney General.
- Developing a standardized training program to provide skills enhancement and cross-training for criminal justice, victim services, and community providers in service to women who are victims of violence. The law enforcement and prosecution allocations were combined to fund the Criminal Justice Training Project.

Funding for both of these projects was continued in FY 1996, although with more limited funding. Beginning in FY 1996, funding efforts moved toward collaborative interagency projects and special populations. Refer to Appendix B for a full listing of project by fiscal year, agency and award amounts. Projects funded since then under the priorities set by the VAWA State Planning Committee are as follows:

1. General Policy

- Promote cross-training of Criminal Justice (CJ), victim services, & community provider personnel, including members of the bar association, medical personnel, and educators:
 - a. Medical Protocol:
 - SATC - The Statewide Standardized Sex Assault Protocol Project
 - Hawaii Commission on the Status of Women Cross-Training for Sex Assault, DV, Mental Health and Substance Abuse Providers
 - b. Special Populations:
 - Domestic Violence Clearinghouse and Legal Hotline -The Domestic Violence Access Project for Developmentally Disabled Victims
 - Legal Aid Society of Hawaii - The Neighbor Island Domestic Violence/Sexual Assault Services for Women who Speak English as a Second Language

- c. Judiciary:
 - Creating a Culture of Safety - Training for Judges and Probation Officers
- ❑ Develop, maintain, and strengthen specialized units in police, prosecutor, and court/probation agencies.
 - a. Specialized Police Units:
 - Hawaii County Police - DV Unit
 - Honolulu Police Department - Special Services Division for Firearms Retrieval in TRO cases
 - b. Protection Order Enforcement Details within Law Enforcement:
 - Maui Police Department - STOP Violence Against Women
 - Kauai Police Department - DV Intervention
 - Honolulu Police Department - DV on Leeward Coast
 - Honolulu Police Department - Family Violence Arrest Warrants
 - Hawaii County Police - Service of Protection Orders
 - c. Specialized (Vertical) Prosecution:
 - Hawaii County Prosecutor's Office - DV Prosecution Unit
 - Maui County Prosecutor's Office - DV Investigations
 - Kauai County Prosecutor's Office - DV Prosecution Unit
 - Honolulu Prosecutor's Office - Misdemeanor Prosecution
- ❑ Establish centralized information system, such as a TRO registry, that allows access and coordination of information to ensure victim safety.
 - a. Kauai County Police Department - Internet TRO Registry
 - b. Honolulu Prosecutor - Statewide Telecommunication Project for DV and Sexual Assault Legal Brief and Training Resources
 - c. DAG - Victim Information Management System for DV and Sexual Assault Service Agencies

2. Law Enforcement

- ❑ Provide mandatory, ongoing training for all law enforcement personnel in the dynamics of DV/SA and stalking.
 - a. Honolulu Police Department - Violent Crimes Against Women Officer Training in DV and Sexual Assault Investigation
 - b. Kauai Police - Law Enforcement Sex Assault Investigator's Training
 - c. Hawaii County Police Department - Dynamics of DV and SA Officer Training
 - d. Honolulu Police Department - Stalking Investigation
 - e. Hawaii County Police Department - DV Training to include Hawaii Fire Department and Emergency Medical Services personnel
 - f. Maui Police Department - DV Victimless Prosecution Training

- ❑ Establish & expand crisis counseling response teams within each county that are available to respond to on-scene incidents of DV/SA.
 - a. Hawaii County Police Department - Sexual Assault Nurse Examiner (SANE) Coordinator; and Assistant Coordinator for West Hawaii
 - b. Parents & Children Together - Pu'u Honua Drop In Center for crisis counseling and referral services
 - c. Honolulu Police Department - Pu'u Honua - Kalihi and Waianae Crisis Counselors
 - d. Child and Family Services - DV Specialist for Mental Health and Substance Abuse Treatment
 - e. Women Helping Women - DV Task Force Outreach Advocates
 - f. Kauai Police Department - SANE Training
 - g. Kauai Police Department/YWCA - 24-hours Crisis Counseling Response Team services

3. Prosecution

- ❑ Develop agency expertise to train and produce curriculum in DV/SA dynamics.
 - a. The Criminal Justice Training Project for Prosecution of DV and Sex Assault cases

4. Victim Services

- ❑ Provide shelter and post-shelter housing to DV/SA (post-shelter clarified as “transitional, affordable housing”).
 - a. Kauai YWCA - Joint DV /SA Hotline
 - b. Windward Crisis Shelter - Battered Women’s Shelter
 - c. Family Crisis Shelter - Crisis Support Services for Domestic Violence victims in West Hawaii
 - d. Women Helping Women - Transitions Project for post-shelter employment and housing services in Maui

- ❑ Establish uniform protocols for the collection and preservation of medical-legal evidence.
 - a. The Sex Assault Legal Medical Standardization Protocol**

- ❑ Design treatment and outreach programs that are culturally sensitive, eliminate language barriers, and are able to address special populations, such as the elderly, disabled, immigrant and individuals with serious mental health problems.
 - a. Domestic Violence Clearinghouse and Legal Hotline -The Domestic Violence Access Project for Developmentally Disabled victims*
 - b. Legal Aid Society of Hawaii - The Neighbor Island Domestic

***Indicates project overlap in one or more areas*

Violence/Sexual Assault Services for Women who Speak English as a Second Language*

- c. Child and Family Services - DV Specialist for Shelter clients with Substance Abuse/Mental Health problems*

- Ensure crisis intervention, counseling, & advocacy services statewide for adult sexual assault victims without costs to victims (including 3rd party and sliding scale costs).
 - a. Sex Abuse Treatment Center - Victims' Services in Honolulu County
 - b. Women's Financial Resource Center - Victim Services for DV Women
 - c. Parents and Children Together/ Family Peace Center - Counseling Services

5. Legal Services

- Provide mandatory, ongoing training for all judges, including per diem judges, in the dynamics of DV/SA, to include a section incorporating recognitions of gender perceptions.
 - a. The Judiciary - Judicial DV Education and Benchbook Project for Judges

6. Medical Staff

- Develop standard medical protocol for medical staff in all ER's, hospitals, and clinics.
 - a. SATC - The Statewide Standardized Sex Assault Protocol Project**
 - b. Hawaii County Police Department - DV Training for Fire and Emergency Medical Services *

B. VAWA Formula Grant Funding Analysis

In the five years of VAWA funding (FY 1995-1999), the funding data indicate the following:

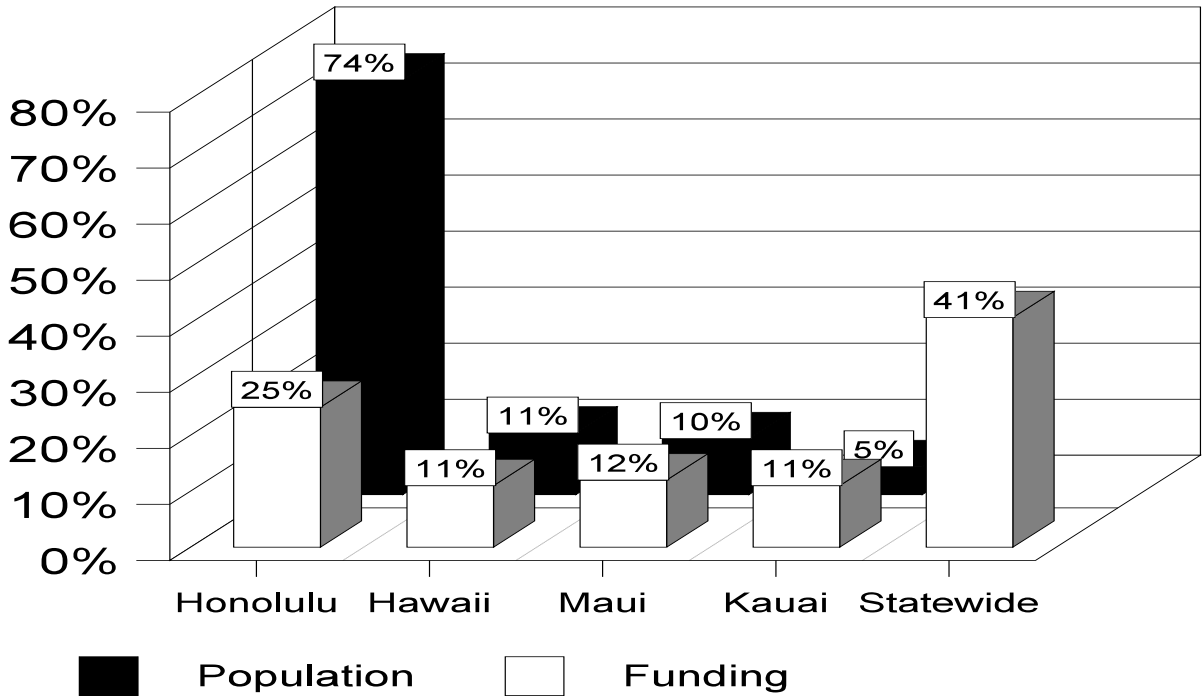
1. Distribution of Grant Funding by Adult Female Population:

The City and County of Honolulu has 74% of the State's adult female population and received 25% of the funds. Hawaii County has 11% of the adult female population, and received 11% of the funds; Maui County has 10% of the adult female population and received 12% of funds; and Kauai County has 5% of the adult female population and received 11% of funding. (See Figure 3 below.) The balance of funding (41%) went to statewide programs.

**Indicates project overlap in one or more areas

Figure 3

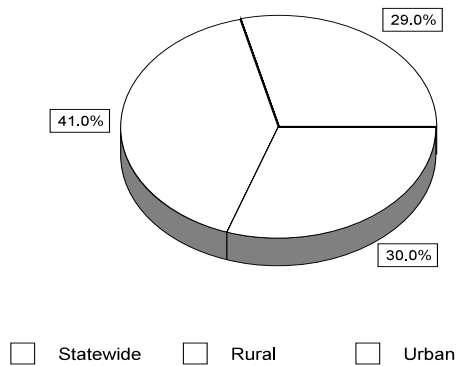
Adult Female Population and Funding Distribution



- Geographic (Rural and Urban) Distribution:
 There was a total of 58 projects during the five year funding period. Eleven were statewide projects (29%); 34 (41%) were rural area projects that included the Neighbor Islands and rural Oahu; and 13 (30%) were in the Honolulu urban area or covered the entire county. Refer to Figure 4.

Figure 4

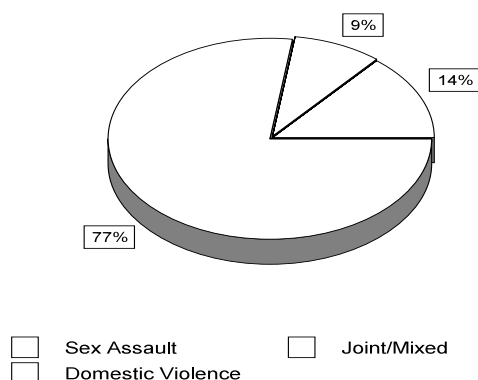
Geographic Distribution



3. Domestic Violence and Sexual Assault Funding:

In the five year period, 14% of the funds (\$567,777) were devoted strictly to sexual assault projects, and 9% (\$374,286) to joint or multi-disciplinary projects that included sexual assault components. The remaining balance were domestic violence projects or general projects assisting adult female victims of violence (e.g., the Economic Abuse Recovery Curriculum). There was one project on stalking training for \$13,930, although the subject was included in several law enforcement and prosecution training projects. Refer to figure 5 below.

Figure 5
Service Distribution



C. State Legislation

Two resolutions in the 1999 Legislature called for a review of Hawaii’s response to family and household violence. The first resolution specified a Legislative Reference Bureau (LRB) study of the State’s laws relating to domestic violence and abuse, with recommendations for recodification of these laws as necessary to enhance protection of victims and provide for uniformity and consistency, with regard to orders of protection. The second resolution requested that a domestic violence working group (DVWG) be convened by the Department of the Attorney General to review the policies and procedures of the criminal justice system on Oahu in order to identify gaps and areas in the law requiring change or attention, with the report being submitted prior to the Regular Legislative Session of 2000. Given the extensive details that both documents provided on the statutory and systematic framework relating to domestic violence cases, the LRB Fact Sheet and Table of Contents are appended as Appendix C and the Executive Summary and Recommendations of the DVWG Report are appended as Appendix D.

The 2000 Legislature passed legislation that amended the definition of “family or household member” by adding and defining “dating relationships”, and providing “full faith and credit” to foreign protective orders. It was signed by the Governor as Act 186, effective June 7,

2000. The Act provides for the courts to consider three factors in determining if a dating relationship exists: (1) length of relationship; (2) nature of relationship; and (3) frequency of interaction between the parties. The Full Faith and Credit section accords “full faith and credit” enforcement similar to state court orders for out-of-state protection orders that meet VAWA criteria for protection orders: (1) the issuing court/tribunal had jurisdiction over the parties and the matter under the laws of the state, tribe, or territory; and (2) the respondent received notice and an opportunity to be heard before the foreign protective order was issued. The Act further provides “good faith immunity” to law enforcement officers from civil and criminal liability arising from the enforcement of such orders, and penalties for violations of the protection orders.

III. STATE STRATEGY ADDRESSING VIOLENCE AGAINST WOMEN

A. Agency Participation in the Planning Process

The Attorney General of the State of Hawaii chairs the VAWA State Planning Committee. The Committee is composed of thirteen representatives of criminal justice and victim service provider agencies including the state domestic violence coalition, immigrant services, medical profession, and the Office of the United States Attorney. Refer to the membership list in Appendix A.

B. State Approach to Strategy Development

The VAWA State Planning Committee has been meeting three times a year to review issues relating to violence against women and to develop a strategy to address the problem and establish priorities for the the STOP Formula Grant. Based on information derived from statewide data collection and current reports, the Committee sets priorities for the VAWA funding effort for each fiscal year.

C. Agency Surveys

State, county, and private non-profit agencies participated in a survey sent out in May and June 2000 by the Department of the Attorney General to assist in identifying and responding to victim and system needs and gaps in service, concerns and problems that the current planning must address, and areas that are responding well to VAWA program assistance. The responses are summarized in the following sections and in Table 13 below. The general recommendations developed by the DVWG in its legislative report in December 1999 are also included in this table.

1. Comments on Domestic Violence:

- a. Expand Definition of Core Services for Basic Funding: Expand programs to include teen violence and children who witness domestic violence; financial resource for victims so they can sustain families without government/service agency assistance
- b. Transitional Services for Post Crisis: funds to purchase vehicles or for vehicle maintenance, safety checks, and registration; replacement of legal documents; GED assistance; child care programs for women wanting to work
- c. Coordination of Civil-Legal System: reduction of long waiting lists; non-sharing of information that would ensure victim safety
- d. Outreach to Special Populations: same gender battering, gay/lesbian youth, incarcerated population, prostituted women; juvenile perpetrators of partner abuse
- e. System Exchange of Information for Victim: need “one stop shop” to

- avoid having victim/service providers make many duplicative calls for assistance
 - f. Victim Participation in Services: victims are not responding to safety checks
2. Comments on Sexual Assault:
- a. Maintaining Core Services: recruiting/retaining treatment counselors to provide services within the sex assault agencies
 - b. Special Populations: include those in “restricted residential environment” (prisons, mental health facilities, nursing homes, etc.) who are particularly vulnerable to sexual assault and are in need of accessible services and more diligent protection against victimization
3. Other survey responses:
- a. Stable/Increased Funding: An awareness and acceptance of the victim needs and a strong commitment from the State to provide the resources necessary to address these needs
 - b. Training for Criminal Justice Providers: Police receive training but don’t understand the dynamics and are unable to respond to victim needs; ongoing training to counter police, court and agency bias
 - c. Training for Multi-Disciplinary Providers: Expand and improve training of “allies”, including the faith community, on domestic and sexual violence
 - d. Improved Court Facilities/Intervention: Some judges could improve courtroom control to reduce intimidation and assure safety for witnesses; need a designated waiting/interview room at each court for deputies and victims to confer before and after a hearing

Table 13

VAWA State Survey July 2000: Needs/Gaps in Services [① = number of responses]	Law Enforcement	Prosecutors	Judiciary	DV Services	Sex Assault	Others	DVWG
<u>Domestic Violence:</u>							
Expanding Definition of Core Services for Basic Funding	①	①	②	②			
Client Advocacy & Case Management				②			
Transitional Services for Post-Crisis: Housing, job training, child care, transportation, etc.	①		①	⑥			
Core Services in Rural Areas	①	①		①			
Immediate Counseling/Intervention	①			②			
Holistic Civil-Legal System		①	①	③		①	●
Cohesive Participation by State Agencies (DOH, DOE, DHS)			①	③			
Bilingual counselors/treatment services				①			
Services for Special Populations				⑤		①	●
Legislative Changes							●
System Exchange of Information for Victim		①	②	②			●
Post-Traumatic Stress Disorder (PTSD) Counseling, Dual Diagnosis Treatment		①	①	②		②	
Victim Participation in Services			①	①			
<u>Sex Assault:</u>							
Core Services for Victims (including non-insured clients)	①		①		②		
Clinical therapist services		①			①		
Medical Examination Equipment					①		
Court Monitoring of Sex Assault Cases					①		

VAWA State Survey July 2000: Needs/Gaps in Services [1 = number of responses]	Law Enforcement	Prosecutors	Judiciary	DV Services	Sex Assault	Others	DVWG
Sex Assault (Cont.)							
Data Collection/Victim Information					1		
Services for Special Populations					1		
Bilingual Services for Victims		1			1		
Other:							
Stable/Increased Funding	2		1	4	3		
Training for Criminal Justice Providers	1	1		3	1	1	●
Training for Multi-Disciplinary Providers	1		1	1	1		●
Improved Court Facilities/Intervention		1		2			●
Leadership/Coordination						1	
Responses received from 37 agencies							

D. Statewide Videoconference

The Department of the Attorney General conducted a statewide videoconference on August 1, 2000 to solicit additional input from agencies and interested parties regarding the VAWA Strategy and its priorities. The following is a summary of comments:

County of Hawaii

- Continued funding and support for collaboration projects between agencies
 - Interagency council, task force, multi-disciplinary team, emergency response team
- Training for treatment and advocacy groups
- Transitional Support Services
 - Transitional housing

- Long-term case management services
 - Clinical support services for dual diagnosed (substance abuse and mental health)
- Rural outreach services
- Transportation to shelters
- Cultural component integration
 - Intervention model – combines spiritual, physical, and cognitive
- Core services
 - Difficulty in finding and keeping a clinical therapist
 - Limited services for those without health insurance
- Crisis response team for domestic violence victims

Kauai County

- Long-term sustainable funding
 - For direct service grants, provide funding for more than one year
- Transitional services
- Inter-agency council
- Funding going to each county, instead of only two counties
- TRO - Adult sexual assault victims
 - Inability to serve TRO when address of suspect is unknown, law enforcement and prosecutors cannot disclose information to non-law enforcement
- HRS 325-16.5 HIV testing
 - Requiring HIV testing once a perpetrator is convicted. Should enforce HIV testing if probable cause is established.
- Court house
 - No separate waiting areas for victims and witnesses
- Funding coinciding with State/Federal fiscal year
- RFP process
 - Requiring a RFP proposal is far more detailed than concept paper proposals by law enforcement agencies

Maui County

- Long-term sustainable funding
- Division of Funding – how to decide, with small pot of money, which county/islands will get money
- Sex assault services
- Outreach
- Prevention
 - Education
- Core services
- Cross-training to include judges and police
- Culturally competent services
- Services for immigrant battered women
- Comprehensive coordinated center to provide services

- Research
 - To provide an understand of statistical data relating to reporting of sexual assault cases
- Training
 - Members in the criminal justice system – judges (DV and SA)
 - Faith Community

City and County of Honolulu

- Training
 - Clergy
 - Meeting spiritual needs of domestic violence victims
 - Members of the criminal justice system and providers need to understand the other and their expectations
 - Cross-training
- Transitional housing
- Sex assault services
- Coordinated response team
- Prevention
 - Education – need to start in schools
- Long-term sustained funding
 - One year of funding is too short, especially for core services
- Long range planning – commitment to services and support for a longer period of time
 - Division of funds – Domestic Violence/Sex Assault, Rural/Urban, Counties
 - Department of Health involvement
- Core services or transitional programs
- Holistic Civil/legal services
 - Housing, relocation, advocate for health benefits, child support, financial assist.
- Other issues
 - Child care
 - Teen violence
 - Under-reporting of domestic violence and sexual assault cases

E. Summary of State and County Issues in Domestic Violence and Sexual Assault

The agency responses and legislative reports raised a number of issues in addressing domestic violence and sexual assault in Hawaii:

- ❖ Sustaining core services to domestic violence and sex assault victims in light of limited funding and staff shortages for victim service providers
- ❖ Transition services in the post-crisis period as a mandatory component to victim services to reduce revictimization
- ❖ Targeted outreach services for special/underserved populations
- ❖ Training for agency personnel and interdisciplinary training with substance abuse and mental health services

- ❖ Long-term sustained funding to stabilize victim services and implement strategic planning
- ❖ Involvement and coordination of other system partners (Department of Health, Department of Human Services) to maximize existing funding and resources for victim services

F. State Goal and Objectives for 2000-2001

The following Goal and Objectives were reaffirmed for the FY 2000 State Plan:

GOAL: To improve the State of Hawaii's response to violence against women through a more coordinated and integrated approach to the crimes of domestic violence and sexual assault of the women of Hawaii.

OBJECTIVE #1: To strengthen and/or restructure criminal justice agencies that provide services to victims of violent crimes through resource allocation and technical assistance.

OBJECTIVE #2: To strengthen and/or maintain services of non-governmental, non-profit service providers to victims of violent crimes through resource allocation and technical assistance.

OBJECTIVE #3: To promote collaboration of services between and among criminal justice agencies and non-profit service providers through partnerships in programs and cross-disciplinary training for treatment and case management services of victims.

OBJECTIVE #4: To foster a more balanced approach toward victims of violence through the development of culturally sensitive and competent services, especially with the underserved and immigrant populations.

IV. **FY 2000 VAWA Grant Program Funding Priorities**

The VAWA State Planning Committee reviewed the data and identified needs and concerns raised during meetings in June and September 200, and at the videoconference in August 2000. It was understood that the array of victim and agency concerns and issues in domestic violence and sexual assault cannot all be adequately or appropriately addressed under a single federal grant. The many points raised in this planning process offer a blueprint for state, local and private organizations to begin to improve both the criminal justice and community's response to victims of violence and abuse together in conjunction with or by other resources. The Planning Committee approved the following funding priorities for the FY 2000 STOP Formula Grant:

Victim Services:

- Core Services for Adult Female Victims of Domestic Violence and Sexual Assault, which include but not limited to:
 - Advocacy
 - Case Management
 - Counseling
 - Crisis Response
 - Increased accessibility by special populations including disabled, immigrant, and victims with substance abuse or mental health issues
 - Legal Assistance
 - Shelter
 - Transitional services

Law Enforcement:

- Training
- Specialized Equipment to Assist in Investigations

Prosecutor:

- Vertical Prosecution
- Training

Discretionary:

- Training for Other Criminal Justice Providers , including the Judiciary
- Multi-Disciplinary Training (e.g., Substance Abuse, Mental Health) for Victim Service and Health Care Providers

V. ALLOCATION PROCEDURE

The allocation of funds under the FY 2000 STOP Formula Grant program will follow the grant requirements of 25% each to the police, prosecutors, and non-government service providers sectors, amounting to \$226,575 per sector. The discretionary amount will be made available to address projects in any of the above-identified priority areas. Police and prosecution project funding will be distributed through a “concept paper” selection process. Non-government service providers project funding will be determined by a Request for Proposal (RFP) process as mandated by the state procurement procedures. It is anticipated that the funding process for the projects will be implemented in January 2001.

VI. EVALUATION

The DAG Crime Prevention and Justice Assistance Division (CPJAD) will utilize its current procedures to monitor and assess federally funded projects.

A. Project Goals and Objectives

When an application is submitted to the CPJAD, the staff works with the agency in developing acceptable (meaningful and measurable) goals and objectives for the project, prior to project implementation. Performance indicators are defined in the application. In some cases, the agency and the staff will develop or review the goals and objectives prior to the formal submission of a project application. An application will not be processed unless staff is satisfied that the goals, objectives, performance indicators, and evaluation plan are adequate. Methods for the data collection and a description of the information collection of target populations are also to be included as part of the evaluation plan.

B. Project Monitoring

The monitoring activities are part of the ongoing process evaluation of projects. During the life of the project several products are produced to assess the implementation of the project (process evaluation).

1. Each project has a file assigned with an individual project number and sectioned off for programmatic and fiscal information documentation.

2. Site visit monitoring is done at least twice a year for each project. The first is done within a month after execution of the project contract, and the second after the first six months of project implementation. The goal is to have quarterly site visits.

3. Non-site monitoring reports are completed. Non-site monitoring includes meetings with project staff, telephone contacts, and review of written, required project reports submitted by agencies.

4. Agencies are required to submit to the CPJAD a 6 month progress report.

5. Technical assistance to project personnel is done as requested, or as deemed necessary by staff's monitoring.

C. Evaluation at the end of the project

At the termination of the project, an evaluation (self-evaluation if they do not have a separate evaluator) is submitted to CPJAD within 90 days. The CPJAD will also consider contracting with a consultant to evaluate selected projects for impact evaluation.