

Survivor Survey for Public Policy Reform 2017

SUMMARY OF ANSWERS

Blue are from handwritten surveys, green from the online surveys. Most of the surveys were from Oahu, the online survivor survey did not ask which island.

Police and Courts

Did the police ever respond to a domestic violence incident that you were involved in YES ___32___ NO ___2___

Was your abuser ever arrested for abuse? YES ___8___ NO ___26___

Were you ever arrested for abuse? YES ___4___ NO ___23___

Was your abuser ever arrested for a restraining order violation? YES ___6___ NO ___28___

Notes: Not arrested even after violating over 10 times

When the police responded to the domestic violence incident, were they helpful YES ___22___ NO ___12___
why not _____?

1. They believed the abuser nothing was wrong.
2. They were helpful. They pulled him off of me and pepper sprayed him.
3. Police officers are not trained enough to handle these types of situations. If a child is abused there is all kind of assistance available before the abuse even faces court. Yet if a female is abused there are not enough resources or support available to her quickly enough. Often the victim is so beat down, so addicted to the situation that if it's bad enough that the police make it there in time there should be a tighter course of action then just they get warned to take a 72 hr break from one another.

Did you feel supported by the police YES ___21___ NO ___13___

Were you satisfied with the police response? What did they do well? What could have been improved?

Notes: Nothing is ever done other than taking a statement. 2) They showed up, talked to him, told me to think about how CPS would get involved if I pressed charges. They left, I got beat badly. 3) Police were helpful, escorted me to apt and stayed with me until I left. 4) Helpful: they advised me what I need to do. 5) They always tried to save the problem and never took him when I felt unsafe in my home with him present. 6) Helpful: they took care of the incident asap when I first filed report. 7) Racist. 8. They favored my husband because he has friends at HPD. 9. Police responded to calls in Virginia. 10. Military police treated my husband as a victim, not me. 11. They were very helpful, and understanding. They explained what would be happening next. 12. They did not ask much questions. 13. They were nice, I didn't want to press charges. I had no wounds on me, it was an argument. 14. There has been previous calls that I made before regarding my husband but was told there was nothing they could do. 15. Not wait until there are various calls on my husband to finally take me seriously. 16. Police were cordial to both abuser and victim. They should've arrested abuser. 17. They arrested me even though my abuser punched himself to make it look like I hit him. They didn't listen to my

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(Councilmember Cochran)

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side of the story. 18. They saw/listened to my circumstances and had my ex boyfriend arrested. 19. They made me feel safe and comfortable.

1. They could have asked more questions.
2. They took pictures of my injuries which at the time was very demoralizing but I'm so glad it was documented for the restraining order. They also made sure that my neighbors took me to fill out a restraining order and followed up with me and my neighbors too.
3. Listened to me. Could tell he was not being truthful
4. Yes, they explained my rights and were very compassionate and calm
5. Listened to both sides not just him since my abuser was an officer also
6. On one incident, the police did a follow up call 2 days later and I appreciated that. I wish they would've provided more resources.
7. No. They showed up I guess. Stop taking sides I was the white female he was the local brother with 3-5 male cops. How do you think it went discrimination is how it went even though I was the wife of 14 yrs.
8. yes, made sure i could get away from home. allowed me time to pack my things and my children and made sure i wasn't followed

Did you have incidents with an abusive partner and did not call the police YES __29__ NO __6__

If you did not call, why not?

Notes: 1) The second time I was afraid to do so. 2) They came too late need to be more responsive and open. 3) Because I feel the state is a waste of time. And court takes too long and need too much proof to prove that abuser is an abuser. 4) I thought they were not serious at the time. 5) I was not able to. 6) To many times I allowed him back (past). 7) Last time was useless and I got beat worse so it seemed pointless and hopeless to call them. 8) I was considering he is my children's father. 9. I always call but HPD does not support me. 10. They could be better trained to see defense wounds. I got arrested defending myself from my ex boyfriend. 11. I was scared to. 12. I was afraid. 13. I was afraid because I thought I would get deported. 14. I was too scared. 15. Police do not take verbal/psychological abuse seriously. 16. Didn't think anything would be done by HPD. 17. I didn't feel like making the situation any bigger than it was. 18. Too scared of what might happen.

1. Afraid and they never do anything but tell me to leave with my children
2. I never called. It was my neighbors that called the police when they saw the abuse in the parking lot. I never called because I had gotten used to the behavior and told myself that it wasn't so bad and that it was just a moment and would pass.
3. I was unconscious
4. I was afraid he would use his position in the community to ruin my reputation and turn the situation against me, or that he would hurt me even worse if he got arrested after he got out.
5. Scared
6. Scared it would've made it worse and worried about my kids.
7. It was constant, I had little to no self worth, the police weren't a resource it was just what had to be done for some sort of legal track work that meant nothing in the end.

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Did you participate in a trial for domestic violence crime? YES __ 8 __ NO __ 18 __

Did you have to return to court more than once before the case was settled? YES __ 10 __ NO __ 7 __

Were you satisfied with the way the Prosecutor's office handled your case? What did they do well? What could have been improved?

1. Yes, helped me fight for my right. 2. Never went to trial. He ratted out drug dealers so he got out of my charges. 3. I wasn't ready at the time. Had I been, he would have been prosecuted and went to jail. 4. Yes, very satisfied. The prosecutors office they handled my case really good. And all the outcome that I wanted to happen it happen. 5. I feel that witnesses should be able to be in the courtroom also not just the defendant. You don't really know what is going on in there and the prosecutor coming out and telling you the outcome. 6. Yes they helped me get what I needed done. 7. Yes, very respectful and helpful. 8. I haven't heard from the prosecutors yet about the violation arrest. 9. I shouldn't have to show up for every hearing in a case that I didn't commit. 10. So many continuances that it was later dissolved. 11. Yes they were flexible with me and my time and reminded me of court dates. 12. Yes they stayed in close contact with me. 13. They let me be on call for the case instead of me having to take off work.

1. Gina really helped me a lot. A survivor must have an advocate. There is no way you can think clearly after going through trauma and to have to stand in front of everyone and talk about it is almost impossible. It's so much easier to do nothing. I never would have pressed charges but luckily the state did so it wasn't up to me. I did receive a 20 year restraining order to protect myself and my children.
2. No Used all available evidence to support my case
3. Not at all
4. No.... the criminals have all the rights not the victims nor do the criminal ever have to stand a mental evaluation so the cycle continues to something worse and in my case, him going on to abusing our child... and even that is still tied up in court 3 yrs later. I've spent 1/2 of my lifetime trying to get away from a monster that still runs free, except now with a much longer list of titles other than domestic abuser, like Pedophile, child molester, drug addiction, weapons, narcissist...

Restraining Orders

Have you gone to court to get a restraining order YES __ 33 __ NO __ 5 __

Was your restraining order granted by the Court YES __ 30 __ NO __ 4 __

Did your partner get a restraining order against you YES __ 14 __ NO __ 21 __

Did you feel safe at the court house? YES __ 24 __ NO __ 9 __

Were you able to ask for what you needed in the petition for your (and your children's) protection YES __ 28 __ NO __ 8 __

Were you granted what you asked for in the petition? YES __ 17 __ NO __ 8 __

Did you have an advocate helping you at court YES __ 25 __ NO __ 4 __

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Were you represented by an attorney in your restraining order hearing YES__12___ NO__17___

Did you feel capable of handling the court hearing on your own YES__10___ NO__17___

Would it have been helpful to have an attorney YES__25___ NO__4___

Did the Court officer provide sufficient assistance as you were submitting the petition for the TRO?

YES__22___ NO__6___ (3 noted they had DVAC advocates)

Were you satisfied with the way the Courts handled your case? What did they do well? What could have been improved? YES__20___ NO__5___

Online survey included question: What did the court officials do well? What could have been improved?

1. Without Gina I couldn't have done anything. It's like asking someone that was just in a horrible car accident to turn around and fix the car. You can barely function at that point and the court makes you stand there in front of your abuser and state your case to convince them that you need help. It's hard enough to ask for help let alone try to clearly calmly and coherently convince someone who is judging everything you do and say. At that moment being in the same room as him nothing clear, nothing feels coherent and you are about the farthest from calm as you can possibly be. Every cell in your body is screaming RUN! And it's at this moment that you have to deliver a speech to a judge who is judging you and holds your safety in his hands. If you break down then you look crazy, unreliable, over emotional and therefore over exaggerating the truth. What can be improved is don't put the survivors in the same room as their abusers ever for any reason! It should be easy enough to do video call from a safe place surrounded by supportive people so the survivors can think clearly.
2. Too much emphasis on protecting defendant's rights, not the victim.
3. Many things
4. Show me some respect, treated me like an equal. Took into account the track record of the length of abuse
5. Judge pressured me to agree to my husband's 30 year OFP on me even though I was not emotionally stable.

Did you feel heard by the Judge? YES__20___ NO__6___

Do you think the Judge understood the danger and the fear you were experiencing?

YES__18___ NO__11___

Did you receive help from Adult Client Services Branch staff at Family Court? YES__7___NO__20___

Were they helpful? YES__7___ NO__11___

At any time did you feel pressured to accept or agree to conditions that you were uncomfortable with?

YES__16___ NO__10___

What did you feel overall about the system response to your situation? What went well? What could have been improved?

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1. I don't like how for every case you need to go to court once or twice a month for a whole year until you get a trial date. That's just too long and unnecessary wasted time. 2. It went well, they were very attentive and showed that they did care. 3. It's pretty good in my case my and situation is went well. 4. I felt like they do their job. I have never felt pressured and intimidated on what to say so he would be put away. At the time though I wasn't ready like I am now. I believe it's up to the woman when they have had enough then they are ready but they need to know when enough is enough. Confidence and worthiness is important for DV woman to know when to change. 5. I never felt safe there, he caught me in the parking lot before and after court. Judge granted him visitation even though he abused me in front of them, was on drugs, drives with no license. 2 months later he abused the kids which is why I wanted no visitation. 6. I felt the judge didn't take the emotional and mental abuse seriously. 7. I am fine with it. 8. For TRO yes, it went well. The judge listened to our sides and had sound abuse happened by my ex boyfriend. 9. I feel supported by the court system. My husband didn't show up to our TRO hearing although he was served. I was granted everything I asked for my safety. 10. Still on going. 11. I felt that the courts and my private defense attorney (not DV trained) for me TRO pressured me into my agreement. The judge wanted to get it over with, and my attorney really didn't listen to me or my advocate. We have another hearing where I hope to retain a DVAC attorney. 12. Not sure if they are making the effort to look and arrest him. 13. Everyone was professional. 14. After my TRO was granted I asked the judge for a HPD escort to my husband's house for a total of 2 hours. The female officer that I had to escort me was rude saying "Do I really have to be here?" she said she couldn't believe judge appointed 2 hours. Officer rushed me and only stayed for 20 minutes. 15. I'm upset that I was framed not once but twice. My voice and side of the story could have been heard therefore I wouldn't have to attend all of these case hearings. 16. I was okay with how the court handled my TRO process however law enforcement has never taken me seriously and in return only verbally told my abuser to "cool down" instead of taking any further action. 17. I felt cheated. My husband's allegations were completely false. Every time the judge asked me to speak, my husband would interrupt and the judge or bailiff did not stop him!! My voice was never heard, and in the end now I have an OFP on me that my husband is trying to trap me into violating. 18. Everyone was helpful in explaining the TRO/paternity process, helping me to make good and clear decisions for the safety of my child and I. 19. I was glad to have an attorney representing me. HPD arrested me even though my husband falsely accused me of violating the TRO. HPD did not listen to my reasoning.

1. My abuser had an attorney and they would not agree to the restraining order unless I agreed to it being mutual. So for the first time in my life I have something on my record. I haven't even had one traffic violation on my record now I have a restraining order against me on my record. Think how this makes me look to future employers or the school when they pull my record so I can chaperone my children's school trips. I was 8 months pregnant at the time and still half his size. I don't know how the judge could agree to this. My abuser didn't even state any alleged abuse on my part, he just stated that he would not consent to the restraining order unless it was mutual. So I consented to it being mutual because I saw it as the only way my children and I were ever going to be protect. Not that it even mattered. My X has broken the restraining order many times and he still has not been arrested for it or received any type of incentive to stay away from me.

2. Overall poor. I had to fight for myself to the point of writing letters to Chief Kaneshiro to be heard. Victim advocate was terrific. Communication with prosecutors need improvement

3The fact of when it comes to getting a restraining order for your abused 9 yr old daughter that she must be present to face the abuser so that I may request a PO even with all the CPS FILED, child and family services records as well as her prosecuting attorney files was none the less then CRAZY!

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Other Comments

1. Having been granted a ten year order for protection, my husband has violated this over 10 times. Each time I reported this to the police, a statement was taken and then it was sent to the prosecutors. Each time, no other action was taken. Because of this, my husband has been able to consistently terrorize both myself and son over the course of the last 11 months.
 2. I do not have trust in the state. I choose not to call the cops reason being I've been let down too many times.
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1. Victims need more rights in Hawaii. Too much emphasis is paid on giving defendants what they need. Multiple continuances to defendants are commonplace without even having defendant's attorney prove the requests validity. This causes extra burden on court system, prosecutor caseload, apathy, and added anxiety to the victim.
 2. It's a big enough struggle to have swallowed all We did but when my child's attorney has to tell me to move to the mainland because your ex will Never get the time he deserves behind bars any time soon if ever. While it was devastating to leave our home, our family, my career it was necessary to take matters into my own hands and find a way to give her a chance at something more. Lastly it sure would have been helpful to have the courts assist us in really cutting ties and helped us start a new by changing our last name yet at 700+ Each I don't know that it will be in the near future.
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SUMMARY

Survey for Domestic Violence Programs, Service Providers, and Advocates

What island were you on as you're involved with the system? 7 Oahu 2 Maui

Police Response

1. Do your clients regularly call the police for help? If not, why not? 4 yes 5 no
 1. Due to bad experiences.
 2. Clients tell me the Police "Don't do anything" and feel the perpetrators should be arrested.
 3. In instances of abuse, we've noticed that our women feel the police are not responsive to their situation and often times are blamed for being abused
 4. They don't feel the police care or understand their situation. They are afraid of their abuser.
 5. Some do and some don't

2. Is there a consistent police response when victims call for help? 2 yes 7 no

1. Response time is delayed.
2. Clients feel the Police consistently don't do anything when they are called in DV cases.
3. When they are called they do respond however as stated before, victims are often mistreated
4. Unsure
5. The police don't seem to take DV calls very seriously.
6. Do police consistently respond to the scene of a 911 call.

3. What are the most reported issues clients describe about their experiences with police?

1. No pictures taken, abusers not arrested
2. No arrests, nothing is done
3. Clients call the Police when they sense eminent harm. When the perpetrator is not removed clients continue to fear for their safety.
4. No report was made, no photo taken, police take the abuser's word, they victim blame, no help was given at all, not knowledgeable of outside services or help for victims
5. some officers are helpful and compassionate as others are not
6. No report is made, police take the abuser's word, the police are abusive themselves (blaming the victim, belittling the victim).
7. Report is lost, police took hours to show up, police took abusers word, no report was made
8. fix this one

4. Do police use interpreters when the client does not speak English? 2 yes 7 no

1. I've had a couple of victims who advised the police did not provide an interpreter.
2. Don't know
3. Clients have not brought this up.
4. I do remember instances where interpreters where used to translate
5. This has reported as being inconsistent in practice
6. Not consistently

5. Do police use children as interpreters? 4 yes 5 no

1. Clients have not brought this up.
2. Although I'm not certain, training for officers includes not using children as interpreters
3. Yes, but that is very harmful to the children and it should NOT be done.

6. Would more police training in domestic violence benefit your organization/your clients? 9 yes

1. Ongoing training should be mandatory.
2. In addition, perhaps the public needs to be educated about what the Police CAN do in DV situations.
3. We don't think the police don't care...we believe they are under trained and don't understand the nature of DV.

7. Are police arresting both parties? 5 yes 4 no

1. Victims are being arrested.
2. sometimes just the victims, sometimes just offenders
3. Occasionally if they take the abuser's word.
4. Police are not arresting abusers.

8. Are victims being arrested for abuse and restraining order violations? 8 yes 1 no

1. Too often

9. Do your clients report that police take stalking seriously? 9 no

1. Not in all situations.
2. One victim commented she was told a husband cannot stalk
3. Clients report that they are told by Police that they cannot do anything until "Something happens".
4. Hard to prove so they don't even try.

10. Are police making arrests for protective order violations? 5 yes 4 no

1. Police have a hard time understanding the protective order.
2. This is inconsistent

11. Are victims provided a police report number? 4 yes 5 no

1. Most of the time
2. Most times yes, but sometimes no
3. If they ask for it.

12. What is your overall assessment of the assistance provided by the police to clients?

1. Police are not consistent
2. Many survivors report they get no assistance
3. Clients expect more from the Police in DV situations and perhaps the Police need to initiate a mass media campaign to educate the public about what laws allow them to do.
4. While the police do respond when called to these incidents, they still lack the training in the dynamics of DV.
5. With the implementation of the LAP project it has gotten better but still not consistent
6. They don't understand the nature of DV.
7. Fair
8. Not helpful
9. Unsympathetic about their circumstances. don't take dv seriously.

Criminal Justice Response

1. Are criminal cases being dropped? 5 yes 4 no
 1. A client told me her case was dropped because she did not accurately describe a situation. Her infant son did not run out into a road to escape his Father, he ran into a parking lot.
 2. 4 advocates answered that they do not know
2. Are felony cases being pled down? 8 yes 1 no
 1. I've heard of this happening way too many time
3. Clients report too many continuances are granted in their case? 8 yes 1 no
 1. Continuances prolong the trauma and add to their fear about their safety.
 2. They are terrified and anxious every time it is continued.
4. Do victims feel like they are getting justice? 1 yes 8 no
 1. Abusers get away with a lot!
 2. Much of it from HPD
 3. 50-50
 4. Many times, no.
5. Are criminal court interpreter provided consistently? 7 yes 2 no
6. Are victims arrested and prosecuted too often? 3 yes 6 no
 1. I've heard of this happening.
 2. Client's report that they are often released within 24 hours once the Police determine who was the aggressor.
7. Is it your impression that prosecution of domestic violence cases is effective? 1 yes 8 no
 1. The penalties aren't enough
 2. No accountability for offenders
 3. Clients state that in the minimum they feel good about their perpetrator being convicted.
 4. The process itself takes too long with little time served to the abusers
8. Is victim intimidation occurring in your courtrooms? If yes, please describe? 7 yes 2 no
 1. By the defense attorneys
 2. Clients frequently report that their perpetrators give them "That look" during court.
9. What is your overall assessment of the criminal justice response to domestic violence?
 1. They are not doing enough to protect victims. It seems the offenders have more rights than the victims
 2. Needs to hold offenders accountable with sentencing and revocations
 3. I feel that when the Police enter a DV situation they should assess that the person who is fearful will most likely be the victim. The aggressor will not be fearful.
 4. It isn't a damaged system but it does need more support and better laws
 5. not very helpful to victims
 6. They are not properly trained or understand the nature of DV.
 7. That it needs work and it needs to have consistency.
 8. Bad
 9. Ineffective

Court Response

1. Do clients report challenges in obtaining a TRO? If yes, what are the challenges? 7 yes 2 no
 1. Challenge is with the courts service center and long wait.
 2. This is mostly due to the length of time it takes for the court to approve or deny the request

2. Do petitioners feel satisfied with the civil protective order process? If not, why not? 1 yes 8 no
 1. Civil TRO's are a waste of time; respondents don't get arrested if they violate the order.
 2. Sometimes they are very disappointing when their orders are denied
 3. Sometimes

3. What are barriers for clients in trying to obtain restraining orders?
 1. Time that it takes to have it filed, transportation, and work.
 2. Time, lack support from friends or family, challenges getting legal assistance
 3. Intimidation and barriers to attending court session
 4. No transportation, fear of abuser, don't speak English
 5. Fear to report, lack of evidence that convinces they need a TRO, bias of the courts
 6. Travel, costs
 7. Finding an attorney. not sure what the legal vocabulary is. not sure what to ask for, what will be allowed

4. What kinds of things would make the process safer for your clients?
 1. Safety planning
 2. TRO process seems adequate, maybe addressing some financial if victim has no resources
 3. If they don't need to face their perp. in court.
 4. Having more sheriffs to help watch busy court hallways
 5. Assistance, timely response from court,
 6. Easier access to resources who can give assistance
 7. Advocates always present.
 8. Trained personnel
 9. Better trained court personnel. better trained judges. recognition of intimidation occurring in courtrooms

5. What kinds of things would make the process easier to navigate?
 1. Transportation, employers must give employees time off without repercussions.
 2. Minimize the continuances.
 3. Assistance from experienced workers; interpreters
 4. Having resources in the court house
 5. Advocates

6. Do your clients feel the courts are minimizing the seriousness of their circumstances? 8 yes 1 no
 1. Per Diem Judges need DV training.
 2. 50-50
 3. Not always, but often enough to hear several reports.

7. Are courts granting mutual restraining orders? 9 yes
 1. It's happened once in the last 2 months
 2. I've seen a couple of cases.

8. Are courts granting temporary joint custody which impacts visitation?
7yes 2 no

9. Are courts taking the need for safety into consideration when making visitation orders?
2 yes 7 no
 1. Not consistently.

10. Are courts providing interpreters to clients who need them consistently? 5 yes 4 no

11. Do you feel court personnel are sufficiently trained in domestic violence? 2 yes 5 no
 1. Definitely not!
 2. Some are, so are not.

12. What is your overall assessment of the courts response to restraining orders?
 1. They are judgmental and sometimes inconsiderate
 2. It definitely needs help, more staff training, better judges and added security
 3. Fear of CWS; intimidation; lack of training and understanding of judges
 4. They are not sufficiently trained
 5. Its mixed. I'd give it a grade of B.
 6. Bad
 7. Trying. More dialogue with the community about survivors needs and experiences would be instructive for them

Some of the findings from the surveys and the survivors who shared on the video conference include:

- 1) Restraining orders look different making it difficult for police to interpret and enforce.
- 2) When restraining orders are unenforceable there is no feedback loop to allow the police or prosecutors to say to the courts that their forms are unclear and make it difficult to arrest and prosecute violations.
- 3) Abusers use the systems to abuse victims (by having victim arrested for abuse or by getting restraining orders against them).
- 4) Mutual orders for protection are no longer allowed in the state (law changed last year) but many jurisdictions are not aware of that change.
- 5) Victims overwhelmingly do not call the police every time something happens because they lose faith in the system, have poor responses, feel victimized by the system, feel unbelievably and unheard, and are afraid to call. This is especially true with enforcing restraining order violations.
- 6) Advocates are extremely helpful to victims in both the criminal justice system and the TRO process.
- 7) Police officers and other people in the systems allow their own experiences and biases to interfere with their interpretation of the laws.
- 8) Criminal justice process takes so long and multiple continuances benefit the defendant and take a significant toll on victims who repeatedly need to show up when called for no reason. Re-traumatization, loss of work time, need for childcare, transportation, etc.
- 9) Petitioners are pressured into agreements at their OSC hearings by court staff, attorneys and judges.
- 10) Many examples and statements of the need for more training for all parts of the systems.
- 11) Continued need to stress the importance of interpreters for victims in all systems.
- 12) Victims feel that the defendant has all the rights.