



**Senate Judiciary Committee
In Support of SB 215
Steven M.S. Halley, LCSW
Director of the Family Peace Initiative
February 22, 2020**

Thank you for the opportunity to offer testimony in your consideration of SB 215. I support this bill with modifications in order to protect victims of domestic violence while helping those who batter to stop.

As the Director of the Family Peace Initiative here in Topeka Kansas, I have a unique vantage point with regards to the value of assessments for those who batter. As a battering intervention agency, we completed 170 assessments in 2018 and made 238 victim contacts as a part of that process. Each assessment is an extensive biopsychosocial evaluative process that examines risk and lethality factors. While the assessment process is imperfect, it goes well beyond the information gathered by the legal system with its single incident perspective.

Examining a single incident of violence gives the legal system only a small snapshot of information regarding the violence that has been used by a perpetrator. We recently had a participant of our program who explained that he had been abusive to his partner for over 10 years. When an arrest was finally made, he was given a Diversion as it was his first encounter with the the legal system. It was almost impossible for the legal system to know the depth or duration of the abuse based on the information from an arrest.

Not only is the legal system handicapped in understanding the true level of victimization, but currently allowing the court discretion aids the defense attorney's argument. As one defense attorney recently said, "If the State intended for domestic violence offenders to get an assessment, they would have written "shall" into the law instead of "may." Modifying this law by inserting "shall" will go a long way in protecting victims and holding those who batterer accountable.

While I believe that mandating an assessment is wise, I have concerns about mandating a Fine in domestic violence cases. Many of those we serve have significant financial hardships. It is unlikely that imposing a fine will deter future acts of violence and could certainly increase the hardships faced by an offender and his/her family. I would suggest that if the Fine is imposed, the law would allow this Fine to be waived upon the completion of a certified Battering Intervention Program, or, upon a recommendation from a certified assessor that BIP programming and completion is not recommended. By using this approach, the State of Kansas can offer financial incentive for the completion of a program while protecting victims of domestic violence who get caught up in the systems from having to pay unnecessary Fines and avoid being required to participate in a BIP.

In summary, I maintain that while not everyone who gets convicted of a domestic violence offense should be expected to engage in a BIP, an assessment is the tool to appropriately screen individuals in or out of the intervention. The assessment should not be optional. Additionally, the mandated Fine should be modified to be waived upon completion of the recommendations resulting from the assessment.

Thank you for your time and consideration.

**~200 SW 33rd St. Topeka, Kansas 66611~
Phone: 785-350-2858**