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**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR  
THE HONORABLE GLENN WAKAI, VICE CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii**

January 31, 2017

**RE: SENATE BILL 1000, RELATING TO CRIME VICTIM COMPENSATION FOR  
MENTAL HEALTH SERVICES**

**HEARING: Tuesday, January 31, 2017, 1:15 P.M., Conference Room 229**

Good afternoon Chair Nishihara, Vice Chair Wakai and members of the Public Safety, Intergovernmental and Military Affairs Committee, the Department of Prosecuting Attorney provides the following testimony **in support of S.B. 1000**, which proposes to amend H.R.S. Section 351-31 (a) to permit payment of crime victims compensation for the purpose of providing mental health services for the surviving relatives of deceased crime victims, as well as children who are direct and immediate witnesses of Abuse of a Family or Household Member under H.R.S. 709-906.

A significant gap in the current provisions of Hawaii's Crime Victims Compensation statute is the lack of coverage for the families of victims of crimes resulting in the death of the victim. Of particular concern is the inability to provide compensation to cover counseling expenses even when a relative has witnessed the events that lead to the victim's death. The psychological trauma of losing a family member due to a violent death is undeniable. All too many of our state's residents who have undergone the tragic and agonizing experience of losing a family member in this manner have either had to forego counseling services or become further impoverished by the added expense of these services (on top of catastrophic medical and funeral and burial expenses for their loved one). Although some surviving family members are fortunate enough to have insurance benefits to cover such expenses, many are among our state's ranks of the working poor and lack such coverage. Even projects such as the federally funded M.A.D.D. Victim Services Program are limited in duration and are currently only available on O'ahu. As noted earlier, the most tragic cases are those that involve a homicide or negligent homicide that

is witnessed by a family member, especially a child. A case such as this occurred on the Big Island involving the murder of John McDonald and the attempted murder of his wife in front of their grandson. In a similar incident here on O'ahu Cecelia Fiesta was brutally stabbed to death in front of her 10 year old daughter. Hawaii is fortunate to not have this type of case occur frequently, as is the case in many mainland U.S. cities, however when it does happen the effects on the family are dramatic and far reaching.

The provisions of S.B. 1000 are narrowly drawn so that only the surviving relatives of victims of cases involving a death, or those who are children who witness Abuse of a Family or Household Member, would be eligible for counseling benefits. While expanding the existing coverage of H.R.S. Chapter 351, the proposed limitations of the bill are practically drawn to insure a fiscal impact that is not unreasonable.

For all of the above reasons we strongly urge your support for S.B. 1000. Thank you for your time and consideration.

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

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TESTIMONY IN SUPPORT OF  
SENATE BILL 1000  
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

Diana Gausepohl-White, Victim/Witness Program Director  
County of Kaua'i

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
January 31, 2017, 1:15 p.m., Conference Room 229

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

I have worked with the Crime Victim Compensation Commission (CVCC) for the past 24 years. I have first-hand knowledge of the invaluable and tangible assistance provided by CVCC to crime victims.

Surviving family members of murder/negligent homicide victims and children subjected to witnessing domestic violence are extremely vulnerable populations. They often face an array of mental health challenges and yet are currently unable to seek compensation for counseling services.

Accordingly, I am in STRONG SUPPORT of SB 1000 and request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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**MARI McCAIG**  
Chair

**MARTHA ROSS**  
Commissioner

**ABELINA M. SHAW**  
Commissioner

**PAMELA FERGUSON-BREY**  
Executive Director

TESTIMONY ON SB 1000  
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

by  
Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

Tuesday, January 31, 2017; 1:15 PM  
State Capitol, Conference Room 229

Good afternoon Chair Nishihara, Vice Chair Wakai, and members of Senate Committee on Public Safety, Intergovernmental, and Military Affairs. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of Senate Bill 1000 relating to Crime Victim Compensation for Mental Health Services. This bill amends section 351-31 and 351-33, Hawai'i Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence. In addition, this bill provides that compensation for victims has priority over compensation for witnesses.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. No State general funds have been appropriated for victim compensation since FY 2003, and the Commission is now funded solely from non-tax revenue and matching federal funds.

One of the most significant ways the Commission is able to mitigate the impact of violent crime is by providing compensation for mental health counseling services. Unfortunately, some individuals who are severely impacted by violent crime are not eligible for compensation for mental health services. These include surviving family members in cases involving murder, manslaughter, and negligent homicide and children who witness domestic violence. Mental

health services will help them heal, and, in the case of children who witness domestic violence, help to reduce the cycle of violence.

### **Mental Health Counseling for Surviving Family Members**

Surviving family members are profoundly impacted by the violent circumstances under which their loved one died. Often, they recall only the painful and violent details of their loved one's death, instead of remembering the victim in life. Mental health counseling will help them move past their trauma.

### **Mental Health Counseling for Children who Witness Domestic Violence**

Witnessing domestic violence has a negative impact on children. Mental health counseling for children who witness domestic violence is necessary to help them understand and heal from the trauma of what they witness and is vital to ensure their normal development. On December 12, 2012, the Department of Justice released Defending Childhood: Protect Heal Thrive, a report of the Attorney General's National Task Force on Children Exposed to Violence. (The report is posted on line at <https://www.justice.gov/defendingchildhood/task-force-children-exposed-violence>) In the report, the Task Force identified witnessing domestic violence as putting "children at high risk for severe and potentially lifelong problems with physical health, mental health, and school and peer relationships as well as for disruptive behavior." Defending Childhood: Protect Heal Thrive at 1. The report found that services such as mental health counseling was necessary for the treatment and healing of child witnesses. A similar conclusion was reached in the study released by the Hawai'i State Department of the Attorney General Domestic Violence in Hawaii: Impact on Mothers and Their Children, (October 2000). (The report is posted on-line at <http://ag.hawaii.gov/cpja/files/2013/01/DV-in-HI-Impact-2000.pdf>) This study found over half of the children who witnessed domestic violence against their mothers suffered symptoms of posttraumatic stress disorder.

Thank you for providing the Commission with the opportunity to testify in strong support of Senate Bill 1000.

# hscadv



**HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE**

January 30, 2017

To: Senate Committee on Public Safety, Intergovernmental, And Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

From: Marci Lopes, Executive Director  
Hawaii State Coalition Against Domestic Violence

Re: **Strong Support of SB 1000** Relating to Crime Victim Compensation for Mental Health Services  
Restitution for Victims of Crime

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 25 domestic violence programs and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

The Hawaii State Coalition Against Domestic Violence is in **strong support** of **SB 1000**, which would authorize CVCC to compensate victims of crime for mental health services involving a death and for children who witness domestic violence. Counseling and supportive services are essential to help regain a sense of normalcy after crimes have been perpetrated against a victim or witness of a violent crime.

Hawaii has a model restitution program, and HSCADV supports all efforts to ensure the partnership between the Public Safety Crime Victim Compensation Programs continues to grow and expand services to best meet the needs of crime victims in Hawaii. Ensuring the whole family is able to receive supportive services is a positive step forward in healing for the entire family.

Thank you for your consideration and for the opportunity to provide testimony on this matter.

Marci Lopes  
Executive Director



Mothers Against Drunk Driving HAWAII  
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Phone (808) 532-6232  
Fax (808) 532-600  
hi.state@madd.org

January 23, 2017

**To:** Senator Clarence Nishihara, Chair, Senate Committee on Public Safety, Intergovernmental Affairs and Military Affairs; Vice Chair Glenn Wakai; and Members of the Committee.

**From:** Arkie Koehl, Public Policy Committee — MADD Hawaii

**Re:** Senate Bill 1000 — Relating to Crime Victim Compensation for Mental Health Services

I am Arkie Koehl, representing the members of Mothers Against Drunk Driving Hawaii. I am submitting this testimony in support of SB 1000.

As an organization formed almost four decades ago to aid the victims of violent crime (drunk driving), MADD is deeply sympathetic to, and supportive of, families who have experienced the loss of a loved one in impaired driving crashes or any other violent crime. MADD in Hawaii uniquely offers support and services to victims of homicide as well as negligent homicide and negligent injury. However, in many cases surviving relatives need professional help beyond what MADD can offer.

MADD Hawaii strongly supports SB 1000 because we see the tremendous pain that results from the sudden, violent death of a loved one. We have seen this pain manifest itself in serious mental health problems including divorce, loss of employment, and suicide. The use of crime victim compensation funds for mental health services will be invaluable to surviving relatives of victims of violent crime and will help prevent more tragedy in these families.

Thank you for the opportunity to testify in support of Senate Bill 1000.



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

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Linda Jameson

Michael P. Matsumoto

Robert H. Pantell, MD

Joshua A. Wisch

Date: January 31, 2017

To: The Honorable Clarence K. Nishihara, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

From: The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of S.B. 1000  
Relating to Crime Victim Compensation for Mental Health Services

Good morning Chair Nishihara, Vice Chair Wakai, and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs:

The Sex Abuse Treatment Center (SATC) supports S.B. 1000, which authorizes crime victim compensation for mental health services for survivors in cases involving a death, and for children who witness domestic violence.

Violent crimes often cause deep and lasting harm to secondary victims in their wake. Secondary victims experience harm as a result of their relationship with the primary victim who was the direct focus of the violent crime, such as the child of a domestic violence victim who witnesses the crime, or a family member of a murder victim.

The psychological impact experienced by children on witnessing domestic violence in their families, and the consequences of that trauma, are well established. Each year, an estimated 3 to 5 million American children witness domestic violence in their families. Such children can display similar effects as the primary victim of domestic violence, including anxiety, depression, psychosomatic complaints (e.g. headaches and stomach aches), manifesting violent behavior themselves, poor school performance, difficulty in relationships with others, and substance abuse disorders.

Similarly, the violent, unexpected death of a family member is, as noted by the federal Department of Justice's Office for Victims of Crime in its "Help Series for Crime Victims: Homicide" document, one of the most traumatic experiences a person can face. Survivors of homicide victims are at risk of developing post traumatic stress disorder, and extreme anxiety, fear and sadness, with nightmares and intrusive thoughts remaining constant for weeks or months, and stressors adding additional psychological strain including financial issues that result from the homicide, the investigation and criminal justice process, and news media coverage of the homicide.



Mental and behavioral health interventions, such as supportive counseling and therapy, are helpful in managing the overwhelming emotions encountered by secondary victims of crime. Unfortunately, Hawaii's victim compensation statute does not currently authorize the use of Crime Victim Compensation Commission (CVCC) program funds for mental health counseling services for survivors of homicide victims or children who witness domestic violence in their families. This fails to recognize these people whose lives have been indelibly affected by violent crimes as legitimate victims, despite the very real suffering they may have experienced, and creates a barrier to accessing necessary mental health services.

S.B. 1000 corrects this issue by authorizing the use of CVCC program funds for the coverage of mental health counseling services that these victims need and deserve.

SANDRA JOY EASTLACK, MSCP, LMHC, NCC

DATE: January 31, 2017

TO: The Honorable Chair Clarence K. Nishihara, Chair, The Honorable Senator Glenn Wakai, Vice-Chair and Honorable Members of the Committee on Public Safety and Military Affairs

FROM: Sandra Joy Eastlack, MSCP, LMHC, NCC

RE: SB 1000, Relating to Crime Victim Compensation for Mental Health Services

**I am testifying in strong support of SB 1000.**

This bill authorizes crime victim compensation for mental health services for survivors in cases of violent death of a family member and child witnesses of domestic violence.

Whenever a family member loses a loved one there is grief which may manifest in a variety of ways even when the deceased has been ill or elderly. When the death is sudden and violent the family member is traumatized and in order to heal so that they can learn to function once again normally the need for access to mental health counseling services is extremely important.

Children who witness domestic violence situations often develop symptoms which will continue to affect them currently and as they become older without mental health intervention. Among many symptoms a child may feel that the domestic abuse they witness is their fault and that they can never do anything right so they will stop trying. Or, the child may become angry and act that out as they know no other way to handle their anger they are not able to process without learning alternative behaviors. Boys may decide that violence is the way men treat women and girls may decide that violence is what a woman needs to accept and the cycle will continue. Availability of mental health counseling resources is extremely important so that they can grow to be happy and productive citizens,

Please pass SB 1000 out of the committee.

Thank you for the opportunity to testify.

Sandra Joy Eastlack