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STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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TESTIMONY ON SB 2817 SD1 HD1
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 21, 2018; 2:15 PM
State Capitol, Conference Room 325

Good afternoon Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of Senate Bill 2817 SD1 HD1 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.

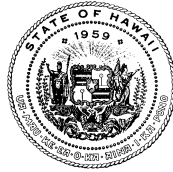
Mental Health Counseling for Surviving Family Members

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 2817 SD1 HD1.



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**TESTIMONY in SUPPORT of SB2817 SD1 HD1
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES**

SCOTT Y. NISHIMOTO, CHAIR
HOUSE COMMITTEE ON JUDICIARY

Hearing Date and Time: Wednesday, March 21, 2018 at 2:15 p.m. Room Number: 325

1 The Department of Health (DOH) recognizes that trauma and the reactions to
2 significant loss and abuse can have long lasting effects in the lives of individuals who
3 have been victimized.

4 The purpose of this bill is to authorize crime victim compensation for mental
5 health services for survivors in cases involving a death and for children who witness
6 domestic violence, through adding these two categories to the statute of the victim
7 compensation fund.

8 The AMHD supports this bill.

9 Recovery from traumatic loss and the trauma of abuse or witnessing domestic
10 violence can be alleviated through interventions effectively implemented after the
11 trauma. These interventions, including specifically mental health services and supports,
12 can help to reduce the longer term problematic consequences of trauma and help to
13 restore the individual to improved functioning sooner. Effective interventions

1 implemented after trauma can help to reduce the long-term human, social, and health
2 care impact of trauma.

3 We thank the committee for considering our testimony.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca Vogt Like
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

Amu I. Esaki First Deputy

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TESTIMONY IN SUPPORT OF
SENATE BILL 2817 SD1 HD1
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

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

House Committee on Judiciary
March 21, 2018, 2:15 p.m., Conference Room 325

Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

I have worked with the Crime Victim Compensation Commission (CVCC) for the past 25 years. I have first-hand knowledge of the invaluable assistance they provide to eligible crime victims.

There are two populations of "secondary" victims who have been ignored for far too long - surviving family members of murder/negligent homicide victims and children subjected to witnessing domestic violence. Both groups are extremely vulnerable and local resources are limited. They often face an array of mental health needs, yet are unable to seek help from CVCC for counseling services.

Accordingly, I am in STRONG SUPPORT of SB 2817 SD1 HD1 and request that your Committee PASS the Bill.

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

Department of the Prosecuting Attorney

City and County of Honolulu

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**THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR
THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii**

March 21, 2018

**RE: SENATE BILL 2817, S.D. 1, H.D. 1, RELATING TO CRIME VICTIM
COMPENSATION FOR MENTAL HEALTH SERVICES**

HEARING: Tuesday, March 21, 2018, 2:15 P.M., Conference Room 325

Good afternoon Chair Nishimoto, Vice Chair San Buenaventura and members of the House Judiciary Committee, the Department of Prosecuting Attorney provides the following testimony **in support of S.B. 2817, S.D. 1, H.D. 1**, 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. 2817, S.D., H.D. 1 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. 2817 S. D.1, H.D. 1. Thank you for your time and consideration.

Helping Hawai'i Live Well

To: Representative Scott Nishimoto, Chair, Representative Joy San Buenaventura, Vice Chair, Members, House Committee on Judiciary

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 2817 SD1 HD1 Relating to Crime Victim Compensation for Mental Health Services

Hearing: March 21, 2018 2:15 pm, CR 325

Thank you for allowing us to provide testimony in support of SB 2817 SD1 HD1 which amends section 351-31 and 351-33, Hawaii 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.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 76 years ago, that serves the community by promoting mental health through advocacy, education and service. This bill supports mental health by allowing access to mental health treatment after a significant trauma.

The occurrence of trauma can have serious consequences to the mental health of survivors and untreated, can lead to social, employment, and other health problems. Research has shown that witnessing domestic violence is an Adverse Childhood Experience that also has negative health and social impacts on children. It is important that survivors of these circumstances receive mental health treatment to process the trauma and help them experience the grief and other difficult emotions necessary for them to thrive in the future. We are happy to hear that the Commission seeks this change so that they can help address trauma. For financial limitations to be the barrier to receiving treatment compounds the tragedy experienced by these survivors.

Thank you for the opportunity to testify in support of SB 2817 SD1 HD1. We ask that you help pass this bill to help the Commission best serve their constituents. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

SB-2817-HD-1

Submitted on: 3/19/2018 6:20:46 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marci Lopes	Domestic Violence Action Center	Support	No

Comments:

SB-2817-HD-1

Submitted on: 3/19/2018 8:24:40 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Filipina Advocacy Network FAN	Support	No

Comments:

Filipina Advocacy Network strongly support this bill authorizing the Crime Victim Compensation Commission to provide necessary mental health services to individuals identified in the bill.

Please support this bill.

Amy Agbayani

SB-2817-HD-1

Submitted on: 3/19/2018 2:38:42 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Joanne H. Arizumi

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Andre Bisquera

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Marilyn Carlsmith

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Carol Fukunaga

Senator
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: March 21, 2018

To: The Honorable Scott Y. Nishimoto, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of S.B. 2817 S.D. 1 H.D. 1
Relating to Crime Victim Compensation for Mental Health Services

Good afternoon Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) supports S.B. 2817 S.D. 1 H.D. 1.

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 the family 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 stomachaches), 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, one of the most traumatic experiences a person can face. Survivors of homicide victims are at risk for developing post-traumatic stress disorder, as well as extreme anxiety, fear, and sadness, with nightmares and intrusive thoughts remaining constant for weeks or months. Additional stressors can further contribute to psychological strain, including financial issues that result from the homicide, participation in 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 experience, and creates a barrier to accessing necessary mental health services.

S.B. 2817 S.D. 1 H.D. 1 corrects this issue by authorizing the use of CVCC program funds for the coverage of mental health services that these victims of violent crimes need and deserve.

LATE

SB-2817-HD-1

Submitted on: 3/20/2018 4:41:52 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:



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hi.state@madd.org



March 21, 2018

To: Representative Scott Nishimoto, Chair — House Committee on Judiciary;
Representative Joy San Buenaventura Vice Chair, and members of the Committee

From: Carol McNamee, Public Policy Committee - MADD Hawaii

Re: Senate Bill 2817, SD1, HD1 – Relating to Crime Victim Compensation for Mental Health Services

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in support of Senate Bill 2817,SD1,HD1 relating to Crime Victim Compensation for Mental Health Services.

As an organization formed almost four decades ago to aid the victims of the violent crime of drunk driving – and now including drugged 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 our Victims Services program can offer.

MADD Hawaii strongly supports SB 2817 because we see the tremendous pain that results from the sudden, violent death of a loved one. This pain is depicted so poignantly in the Kakaako Waterfront Park MADD Victim Memorial bronze statue of a family with holes where their hearts should be. In real life, we have seen the 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 an invaluable help to surviving relatives of victims of violent crime and will help prevent more tragedy in grieving and distraught families.

We encourage this committee to pass SB 2817, SD1,HD1.

Thank you for this opportunity to testify.

LATE

SB-2817-HD-1

Submitted on: 3/21/2018 4:00:56 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments: