

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Mall, Suite 600
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

MARI McCAIG
Chair

MARTHA ROSS
Commissioner

SANDRA JOY EASTLACK
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON SB 2817
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES
by
Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

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

Tuesday, February 6, 2018; 12:45 PM
State Capitol, Conference Room 229

Good afternoon Chair Baker, Vice Chair Tokuda and Members of the Senate Committee on Commerce, Consumer Protection, and Health and 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 2817 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.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy

Amur I. Reali First Deputy



Rebecca Vogt Like
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT OF
SENATE BILL 2817
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
&
Senate Committee on Commerce, Consumer Protection, and Health

February 6, 2018, 12:45 p.m., Conference Room 229

Chair Nishihara, Vice Chair Wakai, Chair Baker, Vice Chair Tokuda, and Members of these Committees:

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 and request that your Committees PASS the Bill.

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

SB-2817

Submitted on: 2/2/2018 2:58:21 PM

Testimony for PSM on 2/6/2018 12:45:00 PM

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

Comments:

The Domestic Violence Action Center is in strong support of SB 2817.

SB-2817

Submitted on: 2/4/2018 11:58:11 PM

Testimony for PSM on 2/6/2018 12:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii Psychological Association	Hawaii Psychological Association	Support	No

Comments:

We support House Bill 2817 which will allow for mental health support, not only for victims of violent crimes, but also for their family members and witnesses who were tragically affected and have become secondary victims themselves. This bill is intended to assist those who are least able to acquire these services and yet who are in acute and dire need of mental health care. Addressing mental health problems early after a violent event has the best opportunity to improve one's mental health and avoid far greater problems later on. We applaud the committee's commitment to aiding those who most need this support.

Respectfully submitted,

Tanya Gamby, Ph.D.

President

Hawaii Psychological Association

SB-2817

Submitted on: 2/4/2018 4:22:32 PM

Testimony for PSM on 2/6/2018 12:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Spira	Pacific Behavioral Health	Support	No

Comments:

I support Senate Bill 2817 which will allow for mental health support, not only for victims of violent crimes, but also for their family members and witnesses who were tragically affected and have become secondary victims themselves. This bill is intended to assist those who are least able to acquire these services and yet who are in acute and dire need of mental health care. Addressing mental health problems early after a violent event has the best opportunity to improve one's mental health and avoid far greater problems later on. I applaud the committee's commitment to aiding those who most need this support.

James Spira

Director, Pacific Behavioral Health

2017 President, Hawaii Psychological Association

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, MD

Councilmember
Carol Fukunaga

Senator
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: February 6, 2018

To: The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Senate Committee on Commerce, Consumer Protection, and Health

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

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
Relating to Crime Victim Compensation for Mental Health Services

Good morning Chairs Baker and Nishihara, Vice Chairs Tokuda and Wakai, and members of the Senate Committees on Commerce, Consumer Protection, and Health and on Public Safety, Intergovernmental, and Military Affairs:

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

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 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.

SB-2817

Submitted on: 2/3/2018 5:59:04 AM

Testimony for PSM on 2/6/2018 12:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina		Support	No

Comments:

Aloha,

Please support traumatized in healing and thriving to be healthy members of society.

Mahalo!!

SB-2817

Submitted on: 2/3/2018 8:53:02 AM

Testimony for PSM on 2/6/2018 12:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Koonohiokala Norenberg		Support	No

Comments:

SB-2817

Submitted on: 2/3/2018 8:19:06 PM

Testimony for PSM on 2/6/2018 12:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Dolena		Support	No

Comments:

We need a healthy society. We need to support victims of crimes to be functioning citizens again. A healthy Hawaii is a prosperous Hawaii.

Sylvia Dolena

Pele Lani Farm LLC, Owner

Winning Edge Univ LLC, Director

SB-2817

Submitted on: 2/4/2018 6:59:22 PM

Testimony for PSM on 2/6/2018 12:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jasmin Chang		Support	Yes

Comments: