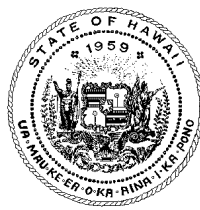


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL 607
RELATING TO CRIME VICTIM COMPENSATION FOR
MENTAL HEALTH SERVICES.

by
Nolan P. Espinda, Director
Department of Public Safety

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

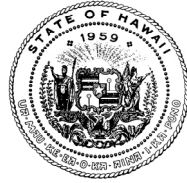
Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Monday, February 11, 2019; 9:05 a.m.
State Capitol, Conference Room 229

Chairs Nishihara and Baker, Vice Chairs Wakai and Chang, and Members of the
Committees:

The Department of Public Safety (PSD) supports Senate Bill (SB) 607, which would authorize crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. PSD agrees with the expansion of compensation for these purposes to enable victim survivors and child witnesses to receive services to address the trauma they have suffered.

Thank you for the opportunity to present this testimony.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of SB0607
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date and Time: Monday, February 11, 2019 at 9:05 a.m.

Room: 229

1 **Fiscal Implications:** Undetermined.

2 **Department Testimony:** The Department of Health (DOH) recognizes that trauma and the
3 reactions to significant loss and abuse have long lasting effects in the lives of individuals who
4 have been victimized. The DOH supports this measure.

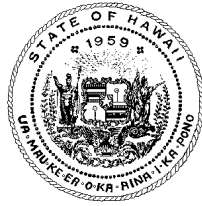
5 The purpose of this bill is to authorize crime victim compensation for mental health
6 services for survivors in cases involving a death and for children who witness domestic
7 violence, through the adding of these two categories to the statute of the victim compensation
8 fund.

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

15 Thank you for the opportunity to testify on this measure.

16 **Offered Amendments:** None.

DAVID Y. IGE
GOVERNOR



MARI McCAIG
Chair

MARTHA ROSS
Commissioner

SANDRA JOY EASTLACK
Commissioner

PAMELA FERGUSON-BREY
Executive Director

STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

TESTIMONY ON SB 607
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

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Monday, February 11, 2019; 9:05 AM
State Capitol, Conference Room 229

Good morning Chair Nishihara, Vice Chair Wakai, and Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, and Chair Baker, Vice Chair Chang, and Members of the Senate Committee on Commerce, Consumer Protection, and Health. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of Senate Bill 607 with proposed housekeeping amendment. Senate Bill 607 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, Senate Bill 607 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 U.S. 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.

Proposed Housekeeping Amendment

As a housekeeping amendment, we propose that on page 3, lines 8-9, and on page 4, lines 15-16, the domestic violence crime specified as "abuse of family **and** household member (section 709-906)..." be changed to "abuse of family **or** household members under section 709-906" (emphasis added) to appropriately reflect the title of the offense and for consistency in the Hawai'i Revised Statutes in referencing the statutory section.

Thank you for providing the Commission with the opportunity to testify in strong support of Senate Bill 607 with proposed amendment.



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521-8995

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Testimony in SUPPORT of SB607

Monday, February 11, 2019, 9:05 AM, Room 229

The Hawai'i Psychological Association (HPA) supports SB607, which is intended to amend the existing statute to provide compensation funding (including for mental health services) for (1) surviving relatives of a deceased victim, and (2) child witnesses of abuse of family/household member, in cases of crimes of commission or omission, or acts of terrorism, involving injuries and/or fatalities.

We respectfully urge you to support SB607.

Respectfully submitted,

Julie Takishima-Lacasa, PhD
Chair, HPA Legislative Action Committee



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Adriana Ramelli

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Nadine Tenn Salle, M.D.

Joshua A. Wisch

Date: February 11, 2019

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

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Senate Committee on Commerce, Consumer Protection, and Health

From: Justin Murakami, Manager, Prevention Education and Public Policy
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of S.B. 607
Relating to Crime Victim Compensation for Mental Health Services

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

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 607.

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, Hawai'i'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. 607 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-607

Submitted on: 2/10/2019 8:50:32 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

Helping Hawai'i Live Well

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

To: Senator Rosalyn Baker, Chair, Senator Stanley Chang, Vice Chair, Members, Senate Committee on Consumer Protection and Health

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 607 Relating to Crime Victim Compensation for Mental Health Services

Hearing: February 11, 2019, 9:05 pm, CR 229

Thank you for allowing us to provide testimony in support of SB 607 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 77 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 607. 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.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

Senate Committees on Commerce, Consumer Protection & Health and
Public Safety, Intergovernmental & Military Affairs

Sen. Rosalyn Baker

Sen. Stanley Chang

Sen. Clarence Nishihara

Sen. Glenn Wakai

February 8, 2019

RE: SUPPORT SB607 Relating to Crime Victim Compensation for Mental Health Services

Dear Members of the Committee:

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 23 domestic violence programs and shelters that provide services statewide. Our mission is to engage communities and organizations to end domestic violence through education, advocacy and action for social justice.

The HSCADV is in strong support of SB 607 to provide mental health services for surviving family members of murder, manslaughter, and negligent homicide and for children who witness domestic violence. Additionally, this bill would provide compensation for victims as priority over compensation for witnesses.

Surviving family members are impacted for the rest of their lives by the trauma of losing a loved one to violent crime. It is also well established in literature and social science research that the impact of witnessing domestic violence on children is profound. Children often suffer long term effects if a parent has been murdered and providing them with comprehensive mental health counseling could heal the generational trauma we so often see in domestic violence cases.

Thank you for the opportunity to testify on this important matter. The HSCADV stands in strong support of SB 607.

Respectfully,
Carmen Golay
Member Services Manager
Hawaii State Coalition Against Domestic Violence

SB-607

Submitted on: 2/9/2019 6:43:29 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for AAUW of Hawaii	Support	No

Comments:

Dear Chair Nishihara, Chair Wakai, and members of PSM and CPH Committees,

Thank you for this opportunity to submit a testimony in support of SB607 which would 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 counseling will help the surviving family members of violent crime and children who witness domestic violence to heal. In the case of children who witness domestic violence, mental health counseling can break the cycle of violence.

Thank you for your consideration.

SB-607

Submitted on: 2/6/2019 8:19:44 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rochelle Diaz	Individual	Support	No

Comments:

I am in support of SB 607 for victim crime compensation for victims and/or families for financial support to receive mental health services due to the the impact it has on the victim or the victim family members. They are the forgotten victims and the system fails to acknowledge the irreversable impact a crime committed by another against a person and/or his or her family has and there is a dire need to provide any financial support for mental health services to help those move forward and cope with the traumatic event due to another persons actions.

SB-607

Submitted on: 2/9/2019 7:46:28 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments: