

Administrative Meeting of the
Crime Victim Compensation Commission (CVCC) Minutes
Tuesday, March 17, 2020
Finance Factors Center Conference Room, 1164 Bishop Street, 1st Floor

Present: Commissioners: Chair Martha Ross, Clifton Y.S. Choy, and Sandra Joy Eastlack
Staff: Executive Director Pamela Ferguson-Brey

Agenda

The Administrative Meeting was called to order at 1:57 p.m. by Commission Chair Martha Ross.

I. Approval of Minutes:

The Minutes of the May 16, 2019, meeting were moved for approved by Sandra Joy Eastlack and seconded by Martha Ross. The minutes were unanimously approved. The Minutes of the October 10, 2019, meeting were moved for approval by Clifford Choy and seconded by Martha Ross. The minutes were unanimously approved.

II. Council of State Governments (CSG) Restitution Project:

The Executive Director (ED) reported that the Commission has a contract with the Council of State Governments (CSG) that includes CSG looking at and updating the restitution data, creating a data dashboard, and producing an article about changing the national narrative on restitution.

Restitution data was presented by the Commission with CSG at the American Probation and Parole Association meeting in January. They were scheduled to present the data to the American Parole Administrators International meeting in April in Nashville, but that meeting was cancelled.

As a result of these efforts, the Commission was contacted by three states (two probation programs) asking for help/guidance with restitution collection.

The CSG contract is scheduled to end of June 30, 2020, but the Commission is working to extend the contract since part of the outstanding items include CSG staff coming to Hawai'i to meet with the Commission's partners including CJIS and the Judiciary. Because of the pandemic, it is anticipated that CSG will not be able to travel before the contract ends.

III. Justice Reinvestment (JRI) Update:

A. Restitution Project

The Commission's JRI Restitution Project has collected over \$3.9 million in restitution since July 1, 2012. The Commissioners reviewed preliminary data collection by correctional facility, the Hawai'i Paroling Authority, and by furloughees

B. VOCA-SAC Partnership Grant

The VOCA-SAC Partnership Grant with Dr. Joe Allen from Chaminade University is completed. Dr. Allen did a national presentation on the data from this project.

C. Victim Services Project

The Victim Services Project group meetings have been cancelled until further notice due to the pandemic.

IV. Mass Casualty Update/Statewide Response to Mass Violence for Victim Services:

The Commission responded to the Pearl Harbor shooting incident in December 2019. Commission staff responded with the FBI within 24 hours and met with the victim and surviving family members. The Commission staff has had phone conversations with the NCIS investigator and has also met with the Family Assistance Center staff to ensure that they are all aware of what the Commission can cover for victims, surviving family members, and witnesses.

The Commission also responded to the Hibiscus Drive incident in January 2020. The Commission partnered with the Salvation Army to meet with victims and witnesses.

The Commission received a federal VOCA grant from the Department of the Attorney General, Crime Prevention and Justice Assistance Program (AG-CPJAD), to do mass violence response planning with all of the county victim witness programs which is scheduled to end after 1 more meeting at the end of this month. Due to the pandemic, travel is not allowed and it is expected that the next mass violence planning meeting will be cancelled. The Commission is in discussion with the AG-CPJAD to possibly extend the contract.

V. 2020 Legislative Session:

At this point in time, all of the bills with budget items appear to have been zeroed out including the address confidentiality bill. The Commission did not submit any bills this session.

VI. COVID-19 Commission Response:

The Commission has been working to ensure that operations are prepared to respond during the COVID-19 pandemic. Supervisory staff has worked to ensure that they have access to the necessary computer systems to be able to work remotely.

Restitution Section:

Effective March 18, 2020, the Commission will no longer accept restitution payments in person. The Commission has prepared for and will notify all relevant parties about this change.

Budget:

Collection of the compensation fee for the last fiscal full year (FY2019) was the lowest since 2001. The Commission has consistently noted in its Annual Reports and Legislative budget briefings that if not enough compensation fee is collected, that the Commission would not have enough money to survive. With the looming COVID-

19 response by the Judiciary in closing down the courts, the Commission is concerned that there will not be any compensation fee collection. The inevitable resulting recession will also affect compensation fee collections into the future. These shortfalls in compensation fee collection undermine the Commission's ability to maintain fiscal self-sufficiency.

The Commission determined that it will have enough funds to keep itself funded through June 30, 2021. The Executive Director has been in conversation with the department's budget staff about developing recommendations to deal with the potential shortfall in collections including submitting a bill to make the compensation fee mandatory.

In the short term, the Commission will work on a letter to ensure that the compensation fee is ordered in all eligible cases and will work with the county Prosecutors' Offices and Victim Witness programs to ensure that they request that the compensation fee be ordered in their cases.

The Commission has worked diligently through the years to make sure it uses its funds as effectively and fiscally responsible as possible. By working with medical providers in cases where the victim does not have health insurance, the Commission has saved over \$2.6 million in medical payments.

Martha Ross made a motion as follows: "To address the fiscal challenges, I move to reduce the acknowledgement award across the board by 50% until further notice." The motion was seconded by both Sandra Joy Eastlack and Clifton Choy. Since there was no opposition, the motion was approved.

VII. Executive Session Pursuant to Hawai'i Revised Statutes §92-4 and §92-5:

The Commissioners did not move into Executive Session.

VIII. Adjournment:

The meeting was adjourned at 2:26 p.m.