

**DEPARTMENT OF PUBLIC SAFETY**

**OFFICE OF THE DIRECTOR**

**FUNCTIONAL STATEMENT**

**CRIME VICTIM COMPENSATION COMMISSION**

Under the general direction of the Director, the Crime Victim Compensation Commission (Commission) mitigates the suffering and financial losses of victims of certain designated violent crimes, survivors of mass casualty incidents, dependents of deceased victims, and private citizens who are injured, or whose property is damaged, in the course of preventing a crime or apprehending a criminal, by providing monetary compensation.

1. Receives, reviews, and verifies the compensation claims and supporting documents from victims and dependents of deceased victims, as well as claims from private citizens for their personal injury or property damage suffered in the prevention of a crime or apprehension of a criminal.
2. Investigates all claims to verify information.
3. Reviews police and medical reports to ascertain credibility and authenticity on the claims before the Commission.
4. Renders administrative decisions granting or denying compensation after determining eligibility under the statutory provisions and the rules as promulgated under Hawai'i Revised Statutes (HRS), Chapter 351, and Hawai'i Administrative Rules (HAR), Title 23, Chapter 605.
5. Conducts hearings on appeals from Administrative Decisions.
6. Submits an annual report of its activities to the Governor and Director of the Department of Public Safety.
7. Provides technical advice and disseminates information to interested parties.
8. Promotes public awareness and understanding of the provisions and the rules and regulations of HRS Chapter 351.
9. Initiates legislation and administrative action that promotes better service to crime victims. Reviews legislation that is proposed by other agencies to determine if such legislation is beneficial or detrimental to the Commission's purpose.

10. Acts as a liaison for the Department of Public Safety with the Legislature and Governor in matters pertaining to the administration of HRS Chapter 351, and HAR, Title 23, Chapter 605.
11. Insures the availability, adequacy, and accessibility of services of the Commission and its staff to the public on a continuing basis.
12. Promotes and maintains relations with national and local law enforcement agencies, victim advocate organizations, and international and interstate organizations with similar goals.

### **ADMINISTRATIVE DIVISION**

Under the general direction and guidance of the Crime Victim Compensation Commission, directs and controls the operational work units of the Commission.

1. Provides administrative support, consultative and interpretive service, and technical assistance to the Commission, which includes briefing members of the Commission on statutory changes and recommends amendments to existing statutes, rules and regulations, policies, or procedures. Prepares testimony, as directed by the Commission, and testifies before the legislature on legislation that is beneficial or detrimental to the Commission's purpose.
2. Accepts claims for Commission review and action. Provides direction in the scheduling of cases before the Commission, ensures completeness of case files presented to the Commission, assigns cases as they are received from crime victims and ensures cases are properly closed after Commission action.
3. Develops the Commission's biennium and multi-year program budget plan for submission to the Director of the Department of Public Safety. Allocates resources to meet the needs of the Commission within the guidelines of the approved budget.
4. Promotes public awareness of the Commission's purpose. Provides technical advice and information to interested parties, and institutes action in appropriate cases in the name of victims and against offenders.
5. Prepares the annual report of the Commission's activities to the Governor and to the Director of the Department of Public Safety.

### **OFFICE SERVICES STAFF**

The Office Services Staff (Staff) provides direct support to the Administrative Division (Division). Staff provides the record keeping and clerical services for the Division, including the administrative housekeeping responsibilities for the Commission and Division.

1. Maintains accurate records of Administrative Decisions and appeals filed with the Commission. Ensures that case files submitted to the Administrator or the Commission for action are complete and properly prepared. Provides clerical support to the Division; prepares and issues agendas and legal notices; and disseminates official actions of Administrator or the Commission.
2. Provides support for inventory control, budgetary accounting, equipment and supply purchasing, processing of expenditures, and office operations.
3. Identifies and expedites case preparation in domestic violence and sex assault cases.
4. Provides clerical support in maintaining physical and database files, preparing correspondence, and processing payments.
5. Provides legal assistance to staff including researching case data via electronic and physical means as well as monitoring restitution for Commission cases.

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## **INVESTIGATIVE BRANCH**

Under the general direction and guidance of the Commission, the Investigative Branch staff reviews and investigates applications for compensation from victims of certain designated violent crimes; reviews police, medical, and employer records to administratively determine eligibility and amount of compensation to be awarded; drafts administrative decisions awarding or denying compensation; and coordinates with other victim service providers to assure that victims receive compensation in a timely manner.

1. Reviews and verifies the compensation claims from victims and dependents of deceased victims, as well as claims of private citizens for their personal injury or property damage suffered in the prevention of a crime or apprehension of a criminal.
2. Reviews police and medical reports to determine authenticity of claims filed. Conducts interviews with claimants, police, and health care providers as needed to verify claims.
3. Prepares and submits case reports on claims to the Administrator/Commission upon completion of investigation to determine authenticity and accuracy of claims.

## **JUSTICE REINVESTMENT (JRI) RESTITUTION ACCOUNTABILITY PROJECT**

Under the general direction and guidance of the Executive Director, the Justice Reinvestment (JRI) Restitution Accountability Project collects restitution and crime victim compensation fees from prison inmates and parolees; disburses restitution to appropriate victims/payees; identifies and addresses issues impacting the assessment and collection of restitution; and monitors the collection and disbursement of restitution from probationers through the repayment of restitution to the Commission on cases where the Commission provided compensation to crime victims. The Commission's restitution recovery efforts will assist the Correctional Facilities and the Paroling Authority to meet their statutory obligation to crime victims. The Commission's recovery efforts identify issues relating to the assessment and collection of restitution by prosecutors, victim witness advocates, correctional facilities, Hawai'i Paroling Authority, and the Judiciary and allow the Commission to work collaboratively with these agencies to address the problems.

1. Coordinates with correctional facilities and parole officers to open case files for prison inmates and parolees who will be submitting payments. Conducts case preparation research by obtaining necessary information from the correctional facilities and Hawai'i Paroling Authority, the Judiciary, and the county Prosecutors' offices and Victim Witness Assistance Divisions.
2. Receives court-ordered restitution and crime victim compensation fee payments from prison inmates and parolees and disburses restitution to appropriate victims/payees; and receives payment of court-ordered restitution from probationers to the Commission in cases where the Commission compensated crime victims.

3. Works with the Judiciary and the Prosecutors' Victim Witness Assistance Divisions in all counties to identify victim payees and determine their whereabouts. Maintains a confidential database of the identity of victims and their whereabouts so the safety needs of victims can be met.
4. Maintains database software that processes payments from offenders and disbursements to victims/payees; provides payment history and balance information to offenders, correctional facilities and parole officers; provides an electronic interface for correctional facilities to submit monthly inmate wage deductions; and generates reports on various restitution accountability indicators.
5. Coordinates with the correctional facilities and Hawai'i Paroling Authority to develop a system that correctly identifies all offenders who owe restitution, and that enforces restitution consistently and accurately for all inmates and parolees. Provide information and training to assist the correctional facilities and parole officers in implementing a uniform system-wide approach to restitution enforcement.
6. Monitors the collection of restitution by the correctional facilities and the Hawai'i Paroling Authority to ensure that offenders are held financially accountable for their crimes; to ensure compliance with all relevant policies, including HRS §353-22.6, which requires the facilities to deduct 10% of inmate wages for restitution; and to ensure that victims receive court-ordered restitution. Monitors the Judiciary's Probation Divisions for restitution cases involving the repayment of crime victim compensation pursuant to HRS §706-605(7) and HRS §706-646.
7. Provides periodic reports on various restitution indicators and benchmarks to the agencies mandated to assess and enforce restitution. Identifies issues impacting restitution assessment and collection, and coordinates with relevant agencies to address these issues.

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