

LINDA LINGLE
GOVERNOR

LATE TESTIMONY



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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TESTIMONY ON GOVERNOR'S MESSAGE 559
Consideration and Confirmation of L. Dew Kaneshiro
to the Crime Victim Compensation Commission

by Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Thursday, April 16, 2009, 2:00 PM
State Capitol, Conference Room 229

Chair Espero, Vice-Chair Bunda and Members:

Thank you for providing the Crime Victim Compensation Commission ("Commission") with the opportunity to testify before you today. The Commission strongly supports the appointment of L. Dew Kaneshiro, for a term to expire on June 30, 2013. Ms. Kaneshiro is knowledgeable and experienced in responding to the needs of crime victims and is committed to enhance the delivery of victim services to underserved victim populations.

The Commission is a quasi-judicial body that assists victims of violent crime by providing compensation for crime-related expenses. The Commission also administers a Restitution Recovery Project to collect restitution from inmates and parolees and disburse the funds to crime victims. Commissioners hear appeals from administrative decisions ordering or denying compensation and set policy for the determination of claims submitted to the Commission. Special areas of concern in the past have been the treatment of sexual assault and domestic abuse victims, enhancing the delivery of compensation services to underserved victim populations, while an ongoing concern remains the sustainable fiscal self-sufficiency of the Commission. The Commission is funded solely through special funds and a matching federal grant.

Commission appeals are heard de novo. Commissioners determine eligibility, evaluate and analyze criminal justice data to verify that an eligible crime has occurred, and analyze and evaluate financial, medical, and criminal justice documents. The most difficult decisions issued by the Commissioners are those that limit or deny compensation

awards. These decisions are difficult because they involve an assessment of the extent to which the applicant contributed to the incident that caused their injuries or death.

It is important that these decisions are clear and consistent. Each claim that is limited or denied must be distinguished on its facts from other cases where compensation awards are granted in full. Relevant statutes, rules, and guidelines must be applied to the facts and analysis conducted to determine whether the claim should be granted, limited, or denied. Ms. Kaneshiro's legal experience - she has practiced as an attorney; taught legal analysis and writing at the Richardson School of Law; and served as the Director of the Office of Equality and Access to the Courts implementing projects to ensure equal access to the courts - will help to ensure fair and consistent decisions in the compensation claims heard before the Commission.

Victims of violent crime who apply for compensation are often traumatized and angry about what has happened to them and frustrated about the way the criminal justice system treats victims. Commissioners must be knowledgeable about the impact of violent crime on individuals and be sensitive and compassionate in dealing with these individuals. Ms. Kaneshiro is knowledgeable and experienced in working with traumatized crime victims. Her consulting projects have included preparation of training material and training for law enforcement agencies and service providers in the area of sexual assault and domestic violence. She also facilitated efforts of the Department of the Attorney General's Human Trafficking Coalition, and assisted in the development of a sexual violence prevention plan for the Micronesian community. Ms. Kaneshiro has also served on the National Center for State Courts Immigrant Women and Domestic Violence Project and the Asian and Pacific Islander Institute on Domestic Violence's Interpretation Technical Assistance and Resource Center.

Another area of commitment for the Commission is improving the delivery of compensation services to underserved victim populations. The Commission was part of a strategic planning project to develop a strategic plan to address the needs of underserved populations. Four populations of underserved victims were identified by the project: the elderly, individuals with limited-English language proficiency; the disabled, and visitors/tourists. Ms. Kaneshiro's expertise in promoting access to limited-English language proficient clients will assist the Commission in meeting its commitment to assist this underserved victim population. Ms. Kaneshiro has developed educational programs for law enforcement agencies, the courts and victim service providers to work with interpreters and serve limited-English language proficient clients. In addition, as the Director of the Office of Equality and Access to the Courts, she implemented a project to ensure access to the courts for persons with disabilities and other underserved populations.

Ms. Kaneshiro's background and experience will be invaluable to the Commission in its efforts to serve Hawaii's violent crime victims. The Commission urges you to confirm Ms. Kaneshiro's appointment to the Commission.

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LATE TESTIMONY

No. _____

April 15, 2009

The Honorable Will Espero, Chair
Senator Robert Bunda, Vice-Chair
Senate Committee on Public Safety &
Military Affairs
Hawaii State Capitol
Honolulu, Hawaii 96813

Aloha Senators Espero, Bunda, and Members of the Committee:

It is my honor to present written testimony on behalf of Ms. L. Dew Kaneshiro for consideration as a Crime Victim Compensation Commissioner.

A review of Ms. Kaneshiro's background and experiences in her professional career as a educator-consultant, Adjunct Professor, lawyer, and advisor/member of many community activity groups, makes her an ideal person as a Crime Victim Compensation Commissioner. Her wealth of experience and knowledge will serve the community and victims of crimes in a most beneficial manner.

It is for these reasons that I humbly ask for your consideration and support of Ms. L. Dew Kaneshiro as a Crime Victim Compensation Commissioner.

Mahalo,
Clayton A. Frank
Director