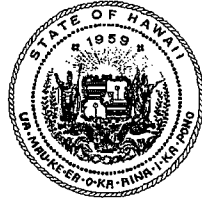


GM 224

Measure Title:

Submitting for consideration and confirmation to the Crime Victim
Compensation Commission, Gubernatorial Nominee, THOMAS T. WATTS,
for a term to expire 6-30-2014

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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LISA A. DUNN
Chair

L. DEW KANESHIRO
Commissioner

THOMAS T. WATTS
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON GOVERNOR'S MESSAGE 224

Consideration and Confirmation of Thomas T. Watts
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

Thursday, February 25, 2010, 1:15 PM
State Capitol, Conference Room 229

Senator Espero, Senator Bunda and Members:

Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission strongly supports the appointment of Thomas T. Watts to serve as a Commissioner for a term to expire on June 30, 2014. Mr. Watts is an experienced advocate and arbitrator, and is committed to restorative justice for crime victims in Hawaii.

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. A special area of concern for Commissioners in the past has been the treatment of sexual assault and domestic abuse victims, and an ongoing concern remains the sustainable fiscal self-sufficiency of the Commission.

Commission appeals are heard de novo. Commissioners determine eligibility, and 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 claimant may have contributed to the incident that caused their injuries or death.

It is important that these decisions are fair 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. Mr. Watts' long experience as an attorney and court arbitrator has helped 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 sensitive and compassionate in dealing with these individuals. Mr. Watts is committed to restorative justice for Hawaii's crime victims. He believes that the payment of offender funded restitution forces the offender to accept responsibility and recognize the effect their crime has had on the victim. Mr. Watts' commitment to restorative justice and to holding offenders financially accountable is important to the Commission's continuing efforts to maintain fiscal self-sufficiency.

The Commission believes that Mr. Watts will continue to serve with distinction as a Commissioner and urges you to confirm his appointment to the Commission.

Thomas Watts, Attorney At Law, A Law Corporation
1100 Alakea Street, Suite 2400
Honolulu, Hawaii 96813
(808) 695-6822

February 24, 2010

Senator Will Espero
Chair, Senate Committee on Public Safety & Military Affairs
Via email

Dear Senator Espero:

Following are my answers to the questions in the questionnaire dated February 19, 2010. I apologize for the delay in responding. I was out of town from February 10th through February 23rd.

1. I have been a Commissioner of the Crime Victim Compensation Commission since 2006. I asked the Governor to reappoint me for an additional term and she agreed to do so. I want to continue because I believe in and want to support the Commission's purpose, namely, the use of public funds to compensate the victims of violent crime. The Commission is the payer of last resort. Often, the people we serve have nowhere else to turn for help in paying medical bills incurred as a result of a crime committed against them. The work done by the Commission is one of the good things about government, and I enjoy being part of it.

I also want to continue because the Commission presents a unique model for government funding: a substantial portion of the money used to compensate crime victims comes from crime perpetrators. Money is collected through court-ordered restitution, and from fines assessed by the courts against those convicted of crimes. This funding is under constant threat of subversion: courts don't always impose the fines, restitution is not always ordered, and probation and parole officers don't always collect the restitution. I am an attorney by profession. I believe that I am in a good position, by reason of my profession, to help insure that the Commission's unique funding model is sustained.

I also want to continue because the Commission has unique opportunities, provided by statute, to make the crime perpetrator responsible for the rehabilitation of the victim. This, in turn, may help the rehabilitation of the perpetrator. The

Commission has the statutory authority to recoup amounts paid to or for victims from the perpetrator of the crime. This statutory authority is not presently exercised by the Commission because of a lack of resources. I would like to work on obtaining the necessary resources.

2. The role of a Commissioner is to hear appeals from staff decisions on compensation, set policies, develop rules and generally oversee the operations of the Commission. Almost all decisions on compensation are made by the Commission Staff. However, the Commissioners do hear a number of appeals during bi-monthly meetings. In my view, the most important function of the Commissioners is to set policies and develop both rules of procedure and rules of compensation.

3. I am qualified for the position by reason of my experience as a Commissioner over the past four years, by reason of my training and experience as an attorney, and by my life experiences. I am familiar with the legal principles that govern the work of the Commission. I have been an arbitrator in the Court Annexed Arbitration Program of the Circuit Courts since the mid 1980s. I am a litigation attorney by trade. I have served on a number of non-profit boards of directors. I have served on the boards of condominium and homeowner associations. I have coached soccer teams. And I am a grandfather.

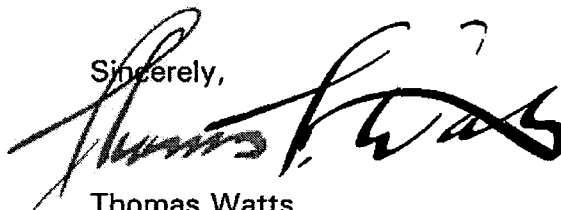
4. I have numerous goals. But one goal in particular is to get the Commission to the point where it can pursue civil judgments against crime perpetrators and others.

5. I'm analytical, mostly as a result of my profession. This helps when we are faced with difficult questions of compensation [example: did the applicant for compensation contribute to her own injury in such a way that makes her ineligible for compensation?] I'm persistent. This is helpful to the Commission when I am involved in developing new ways of providing for victim compensation, such as civil judgments. And I am compassionate. This does not, perhaps, benefit the Commission itself, but rather the victims of crime.

6. The previous experience that would, I think, most benefit the Commission is my previous experience as a Commissioner.

7. I do not foresee any possible conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Watts", written in a cursive style.

Thomas Watts