

# Crime Victim Compensation QUARTERLY

Issue #2

2010

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THE NATIONAL ASSOCIATION  
OF CRIME VICTIM  
COMPENSATION BOARDS

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## National Training Conference Set For Chicago, Sept. 27—Oct. 1

**H**ow will your program meet the challenges of the future? Funding benefits, controlling costs, working with a wide diversity of clients and stakeholders, expanding to meet the needs of more victims while maintaining quality and efficiency — these topics and more are the substance of the the Association's National Training Conference in Chicago, September 27—October 1, 2010. Sponsored by the Office for Victims of Crime in the U.S. Department of Justice, the conference will bring together managers, staff, Board members, and other key personnel from victim compensation programs across the country. It's your best chance to learn more about the latest and most successful strategies to improve program performance, and to network with your colleagues to address common challenges.

After gathering on Monday, our conference officially opens on Tuesday morning, September 28, with a general session focused on national developments and initiatives. We'll follow this with three full days of workshops, presentations, and roundtables, covering the full gamut of issues facing compensation programs today.

Highlights include a series of "management trainings," an exploration of

effective outreach techniques, an analysis of successful restitution-recovery programs, and an examination of the principles behind contributory-conduct decisions. We'll discuss management communication styles; planning for greater efficiency and automation; forecasting and budgeting; and working with your Board. Experts in international compensation, Native American victimization, human trafficking, and child pornography will present their perspectives.

Medical and dental professionals will explain in detail what staff needs to know to analyze claims. We'll try to understand better what victims suffer through three sessions centered on the basics of trauma, the needs of homicide survivors, and the special challenges victims face in their recovery.

"Affinity groups" of managers whose programs share specific characteristics (the largest states, for example) will be facilitated. We'll talk about how to take care of your staff so they remain motivated and productive. And we'll reach toward the outer limits to see what the latest trends are in expanding eligibility and benefits to meet a wider range of needs and help a greater number of victims.

It's all happening in Chicago in September — be there! Reservation and registration information appears in this newsletter.

**National Training  
Conference  
Chicago  
1965–2010  
45 Years of  
Victim Compensation**

# President's Message

*Its summertime, and that means we're busy planning our National Training Conference this fall in Chicago. Information has gone out to all state programs about reservations and registration, as well as our agenda. We hope you're making plans to attend, and that we once again see nearly every compensation program represented in Chicago. Thanks to our state hosts in Illinois, in both the Court of Claims and the Attorney General's Office, for helping us host this gathering.*

*Summer is usually vacation time, and I hope you'll be able to relax and recharge some time in the next couple of months. But we know that summer is no vacation for victimization — in fact, it's usually a high-crime season, so we and our colleagues in victim services will be busy doing what we can to help victims recover. I also hope that you're entering your new fiscal year with a strong-enough budget to support your program in doing all that it needs to provide financial assistance.*

*We've heard from participants that our two Regional Conferences were great successes. I attended our Eastern-Southern Conference in Boston in May, and it was an outstanding opportunity to discuss issues and network with other managers and staff. We had some great sessions, among which was a presentation from the Gay Men's Domestic Violence Project. Hearing a victim share his story, and talking about the challenges he and other DV victims face, and the help they receive, was illuminating and inspiring. We'll continue to hear*

*from victims at our future conferences, particularly those in "underserved" populations, since it helps to understand their experience and get their insights, as we fashion ways to help them better.*

*Some of my memories from the Regional relate to*

*more informal connections with colleagues in other states. Judy Farley (Rhode Island) and Carol Morgan (Vermont) covered a lot of ground, both literally and metaphorically, in trekking to Boston Common to have lunch. I was pleased to meet the new director in Massachusetts, Lisa Solecki, and we thank her for the work she and her staff put into hosting the event. Larry Barker of South Carolina attended his first conference and it was great to see him, as well as all the other managers and staff who participated. We always try to facilitate informal discussions between colleagues in compensation, because we know that you'll use these relationships throughout the year as you face various challenges in the administration of your program.*

*I also want to note another important meeting that I and a number of colleagues in compensation and VOCA assistance attended in Washington to discuss a number of issues and initiatives with Acting OVC Director Joye Frost. We're grateful OVC is helping get people together to explore mutual goals and objectives. We also appreciate OVC's continuing support for our National Conference — and we're looking forward to seeing you there soon!*

*— Deb Rice*



## **Association Officers**

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# VOCA Compensation Grants Total Record \$200 million

## *Big Increase in State Payouts Results in Higher Grants*

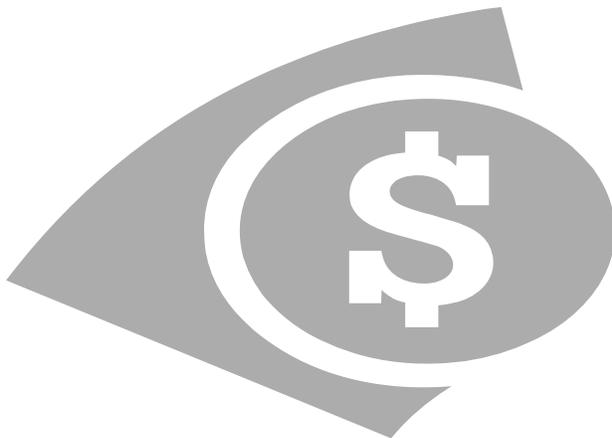
State crime victim compensation programs spent far more of their own funds in benefits to victims in FY 2008, resulting in a new record total of VOCA compensation grants of nearly \$200 million this fiscal year.

More than \$330 million was spent in state funds in FY 2008, a 12% increase over the previous year.

VOCA grants for compensation programs are calculated at 60% of what the state spent in its own money in the fiscal year two years prior to the federal grant year. So, for grants in FY 2010, the states' expenditures in FY 2008 are used as the basis.

Sixteen states achieved new highs in state-dollar expenditures in FY 2008: Alaska, Colorado, Connecticut, D.C., Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Mississippi, Nevada, New Mexico, Oregon, Virginia, West Virginia. Georgia showed the highest jump from the last two years, nearly doubling its own state-funded payout in FY 2008. Many other states had payouts at close to record levels.

The balance an individual state may find in spending its own money and using federal grant funds for awards may shift in any one year, so only looking at the total expenditure of state + federal funds provides a full picture of total awards to victims in that year.



A spending cap of \$800 million has been proposed in President Obama's FY 2011 budget, an increase of \$95 million over the \$705 million cap set for this fiscal year. If Congress approves the cap, compensation grants will be guaranteed at the current 60%-of-state-spending level.

VOCA funds come from the federal Crime Victims Fund, which is the sum of all federal criminal fines collected each year. Fine collections have been very healthy of late, with more than \$2 billion accumulated so far this fiscal year — and the federal fiscal year doesn't end until September 30. Last year, about \$1.7 billion in fines was collected, which was the previous record amount.

## ***NACVCB Officer & Board Candidates Welcomed***

*The Association holds its annual election in September for four positions on its Board of Directors, as well its five officers. We encourage interested candidates to apply by sending their name and a brief description of their credentials to the chair of our Nominating Committee, Ethel Ford of South Carolina, at [eford@oepp.sc.gov](mailto:eford@oepp.sc.gov) (or simply e-mail the Association at [nacvcb@aol.com](mailto:nacvcb@aol.com)).*

*NACVCB has five officer positions: President, 1st Vice President, 2nd Vice President, Treasurer, and Secretary. Each officer serves two years, and is eligible to be elected to a different officer position upon the completion of his or her term. The Association also has a 13-member Board of Directors, consisting of 12 elected members and the past President of the organization. We elect four directors each year, who serve three-year non-renewable terms.*

*Our Nominating Committee will review candidates who submit their names and make a recommendation for the membership to consider at our Business Meeting in Chicago at our annual conference, Sept. 29.*

***National Training Conference  
45 Years of Crime Victim Compensation: 1965—2010  
September 27 - October 1, 2010***

# Regional Notes

The Association's two Regional Conferences, in Phoenix in April and in Boston in May, brought together 90 managers, staff and Board members from 24 states for three days of discussions and presentations. Effective outreach, efficient claims processing, a full range of benefits, and quality decision making were among many topics explored by programs participating.

The Western Regional featured several excellent talks by experts in a variety of fields. JoAnn Del-Colle, director of the Phoenix Family Advocacy Center, spoke about the mental health needs of victims, and went into detail about issues germane to evaluating claims for counseling. Judge Ronald J. Steinle, III, a Superior Court judge in Maricopa County, described his initiative to create a "restitution court" that forces offenders to take more seriously their obligations to repay victims. "Miracles do happen," the judge said, when criminals are faced with jail time for civil contempt in willfully violating restitution orders. Betty McEntire of the Arizona Coalition Against Domestic Violence discussed issues relating to spousal abuse. And Marvin Cody, a certified Navajo interpreter at the Flagstaff Medical Center, provided an illuminating look inside his people's culture, particularly as it relates to their attitudes toward recovering from criminal violence. Placing the trauma of victims within the belief systems of the Navajo helped participants understand more about how to work with claimants and find ways to support the steps they take in the aftermath of crime. The Regional also featured a state roundtable that explored new achievements in the past year, as well as current challenges. Several states were focused currently on a dramatic rise both in claims and costs, and were searching for ways to control expenditures. Other interesting advances included California's ground-breaking use of social networking tools like Facebook, Twitter, and YouTube to reach out to victims and advocates, and Wyoming's training of advocates and service providers that has resulted in a substantial majority of claims being submitted fully documented, ready for decision.

The Eastern-Southern Regional also featured a state roundtable on current developments and issues. Again,

fiscal issues seemed to be of primary importance for some states. Florida has had to institute significant cut-backs, faced with an increase in payouts and the loss of \$10 million from its compensation fund in the last year. The funeral cap has been lowered, and a percentage reduction placed on medical bills. Benefits for domestic-violence relocation, which now constitute 20% of what the program pays out overall, also have had to be reduced. North Carolina has suffered cuts in legislative appropriations, and Maine, Mississippi, South Carolina and West Virginia are seeing funds dwindle as costs grow. But a few states aid they were looking to expand. Georgia plans to enlist the skills of a private marketing firm to devise new ways to reach out both to victims and the public, hoping to boost its overall payouts. Vermont

has developed a five-year strategic plan to help guide its growth. New Hampshire's maximum has been raised to \$25,000, with up to \$5,000 available for a domestic violence victim's relocation.

New automation advances are helping states move forward, the discussion revealed. Virginia went "paperless" in its claims management recently, and while the transition had its hiccups, the program is on course to allow applications to be entered online, and for providers to look up the status

of claims. South Carolina and West Virginia also are in the midst of creating "paperless" document management systems.

Other interesting developments: West Virginia is providing up to \$5,000 to landlords to help clean up "meth labs" operated in their residences without their knowledge. WV also provides an additional \$100,000 above its maximum in catastrophic cases. Vermont offers 20 counseling sessions to sexual assault victims through its forensic-exam payment program — a regular comp. application isn't necessary. South Carolina staff is getting Spanish-language lessons to help work with Latino clients, while other states make use of language lines. Virginia is direct billing convicted offenders whether or not restitution orders are in place.

The Regionals are always great places to learn what's new and exciting. Thanks to all who participated!



# Child Victims

**H**ow do victim compensation programs handle claims on behalf of minor children, when the police are unable to establish that a sexual assault took place, or conclude that there is no probable cause to believe that a crime occurred?

There is general consensus among victim compensation programs that their determinations of eligibility are not completely dependent on the findings or lack thereof by police. While the police report remains a primary source of information on whether a crime took place, compensation program decision makers have the authority and discretion to consider other information and sources, including the victim and counselors treating the victim.

Statutory authority for compensation programs to make these determinations on their own that a crime occurred is generally found in each compensation statute. In New Mexico, for example, the law reads:

*"An order may be made under this section whether or not any person is prosecuted for or convicted of a crime enumerated in Section 31-22-8NMSA 1978, provided an arrest has been made or the act or omission constituting such a crime has been reported to the police in a reasonable time. No order may be made under this section unless the commission finds that: (1) the crime did occur . . ."*

The New Mexico board has relied on this to make decisions independent of police reports, with some reasonable verification, that it is more likely than not that a crime did occur. Oklahoma's compensation board also has made independent decisions based primarily on disclosure by the victim, relying on this authority in its statute:

*"The Crime Victims Compensation Board shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met."*

This is really no different than the approach compensation programs use in any type of crime. Compensation programs never have to rely entirely on

police findings, and they don't require convictions, criminal charges, or apprehension of a suspect. Police reports usually are the most reliable source of information, and as a practical matter may be the only available independent source, and therefore are relied upon heavily. But child sexual assault cases are inherently more difficult to assess because the only witnesses may be the alleged perpetrator, who is silent or denying that a crime took place; and the child, who may be unable to testify or may not provide information sufficient to establish that a crime took place. Forensic tests also may not be available, because disclosure by the child may come much later than in a sexual assault against an adult. One

state said "if the police state on their report that they are unable to establish whether or not a crime took place (they can't say that it happened and they can't say that it did not happen) we rule in favor of the child and we will agree to pay for counseling only for the victim — especially if we have a child that has disclosed. We must verify that a crime took place but if law enforcement cannot say that it did not take place, then we just rule in favor of the child and will agree to pay for counseling."

Some states stress that a finding of no probable cause by police likely

would lead to denial, and some say that a counselor's statement would not be enough. But most programs confirm that they must make an independent decision, considering all sources of information, and giving proper weight to each one. In the words of one state manager:

"The short answer is that our statute requires police evidence and/or medical evidence to allow a claim. The long answer is we are fortunate to have access to sexual assault experts who can give their opinion on whether or not they believe on a 'more probable than not' basis a child has been sexually abused. Having said this, law enforcement is our partner, and we have found them to be the beginning source to send us to these experts when there is no forensic evidence, yet they believe something did happen to a child."



# Association Distinguished Service Award Nominations Are Open

**D**o you know a shining star? Nominations are now being accepted for the Association's Distinguished Service Award, which was created two years ago to acknowledge an outstanding program or colleague that has exhibited exceptional work in the field of victim compensation. Through identifying those who exemplify the very best in the field, we honor the practitioner and advance the discipline.

Nominations for the award must be submitted by July 31, 2010. Presentation of the award will be made at the NACVCB National Training Conference in Chicago, after an Awards Committee evaluates nominees and makes a selection.

The 2010 Nomination Form is available online by going to the Association's website, [www.nacvcb.org](http://www.nacvcb.org).

Either a compensation program or an individual working within a program may be nominated. Nominees should demonstrate extraordinary service beyond the basic program expectations or their job descriptions, and show the values of integrity, diversity, excellence, collaboration, innovation and respect.

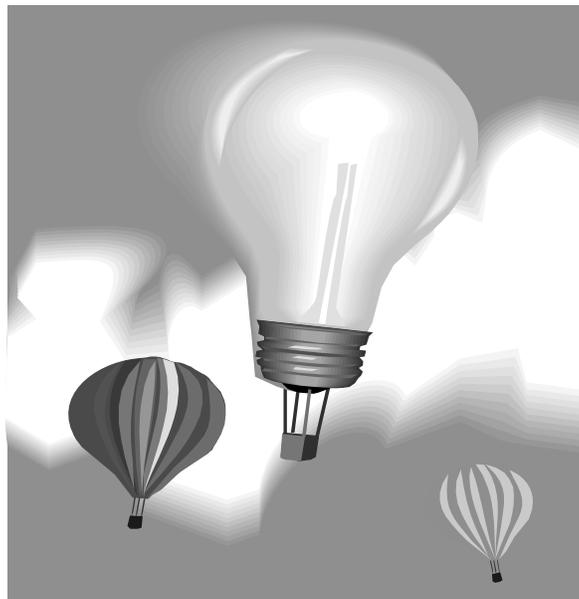
The following are examples of what can be done to deserve the award, according to criteria developed by the Awards Committee:

- Provide superior sustained service, or a special one-time contribution to the mission of the program;
- Exhibit exceptional resourcefulness, innovation, or creativity;
- Accomplish something extraordinary, as demonstrated by the completion of a special work project or activity during the past year; or
- Maintain a superior, sustained effort that contributed significantly to the mission of one or more units of the program as a whole.

The Awards Committee will be looking for, among other things:

- Processing innovations,
- Technological advancements,
- Program initiatives,
- Legislation,
- Other activity or achievements that distinguish the nominee as an extraordinary program or individual

The Awards Committee consists of Gwen Roache (FL, chair), Laura Banks Reed (DC), Amy Dunlap (TN), Frank Henderson, Jr. (KS), and Rebecca Shaw (OR).



## Tackman Honored by OVC

*Larry Tackman, long-time director of the New Mexico Crime Victims Reparation Commission, received the Ronald Reagan Public Policy Award from the U.S. Department of Justice Office for Victims of Crime during National Crime Victims' Rights Week this April.*

*Larry was honored for his many innovations and achievements in both compensation and VOCA assistance, and for his leadership on numerous national task forces, organizations, and initiatives.*

*Larry served as the Association's President from 2004—2006, and also as the first President of the National Association of VOCA Assistance Administrators (NAVAA).*

*And he hasn't really retired, though he left his position as director of the New Mexico Commission last fall. This year he's been tapped by OVC to facilitate the Quarterly VOCA Administrators' meetings that OVC is sponsoring.*

## 2010 National Training Conference

Monday, September 27 – Friday, October 1

Chicago, Illinois

Marriott Downtown Magnificent Mile

The most important conference this year for the nation's crime victim compensation programs takes place September 27- October 1, 2010, in Chicago. The Association's National Training Conference will bring together directors, claims processing staff, Board members, and other key personnel to explore the critical issues facing compensation programs today, as they strive to provide timely financial assistance to victims of violence.

*The Office for Victims of Crime* is providing generous grant funds in support of this conference, and successful management of VOCA grants will be among the many topics discussed. Provocative general sessions, focused small-group discussions, and unparalleled opportunities for networking are all hallmarks of the only national conference centered solely on victim compensation.

We're also pleased to have the help of the agencies involved in crime victim compensation in Illinois: the *Illinois Court of Claims*, and the *Illinois Attorney General's Office*.

### Accommodations

The conference will be held at the Marriott Downtown on the Magnificent Mile. The hotel is located in an outstanding area downtown, a short walk from restaurants, the waterfront, and all the many sights and attractions the city has to offer.

Conferees must make their own travel and hotel reservations. Call 800-228-9290 or (312) 836-0100 to reserve your room, and ask for rates for the "Crime Victims" conference (this will be connected to the National Association of Crime Victim Compensation Boards, but the key words are Crime Victims). Conferees will want to reserve for 4 nights (arrival Monday, September 27, departure Friday, October 1) to attend all conference sessions. A limited number of rooms are available for three nights before and after the conference at conference rates. Reservations must be made by September 6.

### Conference Rates

The conference rate is \$189 per night, which is \$20 below the current federal per diem for the city. Tax is set at 15.4%. Reservations require a credit card guarantee.

### Travel

Taxis from O'Hare airport cost approximately \$40, and from Midway, the cost is \$31.

The hotel does not have its own shuttle. Commercial shuttles are available; you can find out more about ground transportation from both airports at <http://www.ohare.com/>. The Chicago MTA Subway is a possibility for those who know the system, but it requires a transfer between lines.

For those driving in, parking is available at the hotel for \$48 per day, and nearby public lots offer rates around \$37 per day.

### Conference Schedule

Conference registration opens from 2:00 – 5:30 p.m. on Monday, September 27. The conference officially opens at 8:30 a.m. on Tuesday, September 28, and will conclude, after three full days, with a closing general session ending by 9:30 a.m. on Friday morning, October 1.

One lunch will be served during the conference, and morning refreshments also will be served.

### Agenda

Our agenda emphasizes workshops for each type of job responsibility within compensation programs: Managing, claims processing, and decision making. In addition, sessions will be held for restitution specialists, VOCA grant managers, information technology specialists, and other key staff. See the following page for our list of workshops.

### Registration

A registration form is on the following page. Return to the Association via fax or mail, or simply e-mail the requested information to us.

## 2010 National Training Conference

### Monday, September 27 – Friday, October 1

### Agenda

Our agenda is designed to meet the needs of compensation program directors, claims processors, Board members and other key staff. (The current agenda may be subject to some changes.)

#### Monday, September 27

2:00 - 5:30 p.m. **Registration**  
 1:30 – 5:00 p.m. NACVCB Board mtg.  
 5:00 – 5:30 p.m. New Managers mtg.

#### Tuesday, September 28

9:00 a.m. **Opening General Session**  
 Welcomes, Orientation  
 10:30 a.m. **Workshops**  
 National Study of Victim Services  
 And Compensation  
 Child Pornography  
 1:30 p.m. **Workshops**  
 Managing for Greater Efficiency  
 Understanding Trauma  
 Board Members Roundtable  
 3:30 p.m. **Workshops**  
 International Compensation  
 Claims Processing Roundtable  
 Native American Victims

#### Wednesday, September 29

8:30 a.m. **Presentations**  
 Management Training (1)  
 Medical Claims  
 10:30 a.m. **Workshops**  
 Management Training (2)  
 Homicide's Aftermath  
 noon **Luncheon**  
 1:30 p.m. **Workshops**  
 Proven Outreach Strategies  
 Contributory Conduct 101  
 Restitution Recovery: The Basics  
 Large-State Roundtable  
 3:30 p.m. **Workshops**  
 Outreach Experts Roundtable  
 Contributory Conduct: Advanced  
 Restitution Recovery: Advanced  
 Large-State Roundtable (continued)  
 5:00 p.m. **Business Meeting**  
*Officer and Board elections*  
 6:30 p.m. **Networking**

#### Thursday, September 30

8:30 a.m. **Presentations**  
 Coping With Cruelty  
 VOCA Grant Management  
 10:30 a.m. **Workshops**  
 Burnout and Self-Care  
 Forecasting and Budgets  
 1:30 p.m. **Workshops**  
 Dental Claims  
 Working With Your Board  
 National Developments: Health  
 Care, Undocumented Aliens  
 Human Trafficking  
 3:30 p.m. **Workshops**  
 Improving Benefits, Controlling  
 Costs  
 Understanding Diversity  
 Forensic Exam Payment

#### Friday, October 1

8:30 – 9:30 a.m.  
**Future Directions in  
 Compensation**

### Conference Registration

(No registration fee required)

State: \_\_\_\_\_ (if from Colorado or Arizona, county or district)

Name: \_\_\_\_\_ Title \_\_\_\_\_

Any nicknames that should appear on nametags? If so, provide: \_\_\_\_\_

Special Requests or Needs: \_\_\_\_\_

Please send registration to NACVCB, P.O. Box 16003, Alexandria, VA 22302; fax to: 703-780-3261; or email requested information to [nacvcb@aol.com](mailto:nacvcb@aol.com). If you have any questions, contact Dan Eddy at 703-780-3200.