

# Crime Victim Compensation QUARTERLY

Issue #1

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## I N S I D E

- **Santa Fe is Site for 2009 Western Regional**
- **Comp. Stimulus Grants: A Backgrounder**
- **ITVERP Helps Victims of International Terrorism**
- **National Conference 2009, Washington, DC, September 29—October 2**

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## Stimulus Package Provides More Victim Compensation Funds

**A**dditional federal funding for state victim compensation programs is part of the economic stimulus package signed into law by President Barack Obama on February 17. The law provides \$47.5 million to be split among the states for victim compensation, and another \$47.5 million for VOCA assistance programs.

With at least 39 states projecting budget deficits for this fiscal year, and the country as a whole going through its worst economic crisis in decades, the money will come as a welcome relief. A number of victim compensation programs are unable to meet all their obligations in paying claims this fiscal year, having already exhausted available state and federal funds. Other states can use the money to get rid of backlogs, to meet rising medical costs, or to cover new types of benefits that have not been fully funded previously (forensic-exam costs, for example).

It's expected that the extra grant funds will be made available to the states expeditiously. Funding will be administered by the Office for Victims of Crime (OVC) in the U.S. Department of Justice, and March 9 is the projected date for states to apply.

The Association calculates that each state will receive approximately an extra 27% in federal grant funding as a result of

the stimulus-package grants. These funds will be in addition to regular VOCA grants for federal fiscal year 2009, which should be made available later this winter or spring, when Congress acts on appropriations bills and sets a cap on VOCA spending.

Congress has been very clear that the stimulus-package funding is to be additional to regular VOCA grants. The bottom line is that state compensation programs will get grants equivalent to 76% of state-dollar payout for FY 2007, instead of the usual 60%.

So, for example, a state that spends \$2 million in state money each year in benefits to victims would get a supplemental grant of about \$330,000, in ad-

dition to its normal VOCA grant of \$1.2 million.

State compensation programs will have a clear incentive to increase overall spending on victim benefits, at least in the short term, rather than simply use extra federal funds in place of state funds. Since future VOCA grants depend on how much state money is spent, programs that don't maintain state spending levels will see smaller federal grants in subsequent years.

Increased VOCA assistance grants also will bolster victim service programs that have suffered cuts of up to 25% recently.

## Victim Compensation Helps America Recover

# President's Message

**C**rime victim compensation programs soon can expect a welcome infusion of stimulus funds from the American Recovery and Reinvestment Act (ARRA). Our Association is working with the Office for Victims of Crime as it develops the details regarding when and how your program will receive the money. We'll try to keep you informed as we learn more not only about what OVC may require in spending and reporting on the stimulus grants, but also how your colleagues in other states plan to handle the money. We hope that the extra federal funding may help you maintain financial stability in these trying economic times.

Despite the difficult circumstances we all find ourselves in, we hope that many of you will be able to attend our exciting Regionals, this year being held in Hilton Head in March, and Santa Fe in April. It's in tough times like these that our training conferences become even more valuable, as we share strategies to make the most of our limited resources. We've got a great agenda planned for each of our Regionals, and of course it will be your participation that will make our discussions even more valuable. We also hope you're making plans to attend our National Conference, convening September 29 in Washington, DC. (Don't forget that your 5% allowable administrative costs from VOCA grants can be used to support travel to conferences.)



Speaking of our National Conference, we're planning the agenda now, so if you have issues or ideas you'd like to see us cover, please get in touch with me or with Dan Eddy. We're joining our friends in VOCA assistance administration this year, and we'll be celebrating the 25<sup>th</sup> year of federal funding for both compensation and services. We're hopeful that we may get some of the notable individuals in the federal legislative and executive branches who have been involved in victim issues to join us for our discussions.

Keep us posted on how your program is doing, and let us know if there is anything we can do to help you meet the many challenges you face. We have a wealth of expertise within our ranks, and one of the wonderful things about our Association is how willing our members are to share their experience. Good luck in the coming months!

—Deb Rice

**On a final note, we observe with sadness the passing of a long-time Association colleague, Matt Finnell of Illinois. Matt participated actively in many of our conferences, in a lengthy career with the Court of Claims in his state. We will miss him, and we send our condolences to his family and his co-workers.**

## Association Officers

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# Western Regional in Santa Fe Brings Comp. Programs Together

**C**rime victim compensation personnel from around the country will gather in Santa Fe, April 13-16, for discussions on a wide range of issues. It's a Western Regional Conference made even more important by the unprecedented challenges facing many states in these uncertain economic times.

The conference will be held at the El Dorado, just off the historic Plaza. The Association's website has registration and hotel-reservation information.

Hosting duties will be ably performed by New Mexico's Crime Victims Reparation Commission, headed by Larry Tackman. Commission Chair Cameron Crandall, M.D., has been invited to provide perspective on handling medical claims, a topic he's handled superbly at national conferences. Another issue to be explored is the question of immigrant victims and the challenges they pose for compensation and service programs. A "legal primer" providing an analysis of judicial decisions on contributory conduct claims; effective outreach strategies; restitution recovery; and improvements in claims processing also are on the agenda.

Santa Fe is one of the nation's most unique and beautiful destinations, and is easily accessed via inexpensive shuttle connections from Albuquerque's airport. We know this will be a memorable conference experience for all participants. Hope to see you soon in Santa Fe!



## Director News!

*Jennifer Day is the new director of Ohio's crime victim compensation program in the Attorney General's office. She worked at the Ohio Treasurer's Office for 8 years as director of revenue management, and also served as chief assistant of the family law division and an assistant in the appellate division in the Hamilton County prosecutor's office. Previous director Carol Mosholder is now working on tobacco litigation for the Ohio A.G.*

*The new administrator of Alaska's Violent Crimes Compensation Board is Kate Hudson. Born in England, Kate trained and served as a solicitor (lawyer) in private practice in the U.K. before heading to Alaska in 2002. She's previously worked for the state as a procurement officer.*

*Marsetta Lee has been named by the New Jersey attorney general to head the state's Victims of Crime Compensation Office. During her 20-year career with the Division of Criminal Justice, she's served as legal counsel to the Office of the State Medical Examiner, as supervising deputy attorney general in the policy and planning Unit, as deputy chief of the Law Enforcement Services Bureau, and most recently as deputy chief for Operation CeaseFire, which seeks to reduce gun violence through coordinated law enforcement efforts and community outreach.*

*Utah Crime Victims Reparations Director Ron Gordon has been appointed by Governor John Huntsman, Jr., to be executive director of the state's Commission on Criminal and Juvenile Justice. Ron has been an active participant at our conferences, and hosted one of our Regionals. Thanks and best wishes, Ron!*

*Rhode Island Crime Victim Compensation Fund Director Judy Farley successfully applied on behalf of her program for a Community Awareness Grant from the Office for Victims of Crime. The funds are used to increase knowledge among crime victims and survivors, as well as the general public, about crime victims' rights and services, including compensation.*

**National Crime Victims Rights Week**  
**25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act**  
**April 26—May 2, 2009**

# Stimulus Package Provides Additional VOCA Grant Funds

**T**he Office for Victims of Crime is preparing to get supplemental grant funds out to state compensation programs from the American Recovery and Reinvestment Act (ARRA) of 2009. A recent message from OVC's Acting Director Joye Frost indicates that states can apply as soon as March 9 for the funds, which will be provided in addition to regular VOCA grants this year.

While any official information about stimulus grant funds must come from OVC, we hope we can provide helpful information that will help states understand and prepare for the new grants. All program managers should be getting information directly from OVC through its listserv; if you are not, contact your OVC grant monitor, or OVC Deputy Director Toni Thomas, at 202-616-3579, [toni.thomas@usdoj.gov](mailto:toni.thomas@usdoj.gov).

## ***HOW MUCH MONEY IS AVAILABLE?***

Congress and the President provided \$100 million for VOCA spending in the stimulus package. This amount will be divided so that \$47.5 million will go for compensation grants, \$47.5 million for VOCA assistance grants, and \$5 million for OVC to use on discretionary grants and federal-victim assistance.

## ***HOW MUCH WILL MY PROGRAM GET?***

Your program will get a stimulus grant, in addition to a regular VOCA grant this year, that will be roughly 25% more VOCA money than you'd normally get. The grants will be calculated at approximately 15% of your state payout for federal fiscal year 2007, as reported to OVC when you applied for grant funds in 2008. Each state will get the same percentage of its state payout as every other state. In other words, a state that paid out \$5 million (in state funds) in FY 2007 will get approximately 15% of that in a stimulus grant, and a state that paid out \$1 million will get about 15% of its payout. We've circulated a chart to all program managers showing our

best estimate of what each state's grant will be. But only OVC can provide you with the exact figures.

If you have any questions on the figures for your state, let us know, and we'll be happy to provide what information we have.

## ***I'VE SEEN DIFFERENT NUMBERS ON A CHART OTHER THAN THE ASSOCIATION'S. WHICH NUMBERS ARE CORRECT?***

Ours are, until you get your official grant figure from OVC — and then OVC's are the correct ones. But there was a chart developed by Federal Funds Information for States (FFIS, a nonprofit) that was based on preliminary Congressional information, that has since been corrected. Many state governments subscribe to this service, so the FFIS chart was widely circulated. We've been in touch with FFIS, and they agree their numbers are incorrect, and have said they'll issue better numbers based on ours. But OVC will have its own chart very soon.

## ***IS THERE ANYTHING I HAVE TO DO NOW?***

Not immediately, in terms of applying. OVC will let you know when to apply, and it could be as early as March 9. Unlike some of the other funds going to different departments in your state, there is no need to develop a plan or proposal to spend the money. You just need to wait until you get the go-ahead from OVC to apply.

There is a new requirement, however, that OVC advises you should get going on right away. OVC says that VOCA grant programs must obtain a DUNS number (Data Universal Numbering System) and register with the federal government's Central Contractor Registration (CCR) database, through [www.grants.gov](http://www.grants.gov). This requirement has not been in place for VOCA grants previously. We expect guidance and information will be available to help you in



this process. We're unable to provide much advice now on this for you, since every state may have a different situation in terms of whether the agency already has a DUNS number and is registered in the CCR. It may very well be that you have to complete this process for your program, and you should at least begin checking with your office's fiscal staff to learn more about it. What we *can* do is alert you to what some have said about it: It can be time-consuming, laborious, and frustrating.

### ***HOW WILL THE GRANT APPLICATION PROCESS WORK?***

You'll apply as you do for your regular VOCA grants, online, through the Grant Management System (GMS). OVC's website ([www.ojp.usdoj.gov/ovc](http://www.ojp.usdoj.gov/ovc)) will provide more information, and your OVC grant monitor will help.

### ***WHEN WILL I GET THE STIMULUS MONEY?***

OVC says it's determined to make the process go quickly, which means you'll have a brief period to register and apply, and OVC will turn around applications very soon. It's quite possible you could get the money in a few weeks.

### ***IS IT GOING TO BE A SEPARATE GRANT FROM OUR REGULAR VOCA GRANT?***

We expect so. It might be nice for administrative purposes to roll it into your regular grant, but we believe that it's more likely it will come as a completely different grant than your regular one. OVC will tell you soon, with specific instructions.

### ***DO I ACCOUNT FOR IT SEPARATELY? ARE THERE GOING TO BE DIFFERENT ADMINISTRATIVE RULES?***

Yes. OVC already has said the stimulus grant must be tracked independently from regular grant funds, and you'll have to provide separate financial and programmatic reporting data. (You already are doing that now, if you have two year's VOCA grants open at the same time.) This means coding the grant

in your accounting system so you can track the funds as distinct from your regular grant; filing separate SF 269s for it, and quite likely providing separate programmatic reports detailing how the money was spent. Whether you'll file one VOCA Performance Report at the end of the calendar year, as you do now, inclusive of all your VOCA grants, as well as one state certification form in 2010, has yet to be determined. Once again, OVC will have to instruct you on this.

OVC also will tell you whether you have the usual "year-of-award-plus-three-years" time frame to spend the stimulus money. For regular grants, you always have the year it was awarded, as well as three additional federal fiscal years—so, for example, you have until September 30, 2012, to spend FY 2009 grant funds. If the stimulus money must be spent any quicker, OVC will let you know when you apply.

Since the extra stimulus grant is equivalent to about one-fourth of your regular VOCA grant, it shouldn't be too hard for states to spend it expeditiously. You can spend it all the day you get it, if you want to, and some states surely will.

### ***DO I SPEND THE STIMULUS MONEY ANY DIFFERENTLY?***

No. [NOTE: This is our best thinking at the moment; OVC will tell you if there are any different rules.] Our belief is that it will be considered simply more VOCA money. Treat it as you do your regular VOCA grant. Pay for medical bills, counseling, funeral -- just as you always have; don't spend it on property damage or loss. There are no new rules about how to spend it. We think -- but OVC hasn't ruled

on this yet -- you'll even be able to use 5% of it on administrative costs.

### ***WHAT IF MY LEGISLATURE TRIES TO REDUCE MY FUNDING, OR RAID MY FUND, BECAUSE WE'RE GETTING THIS EXTRA MONEY? ARE THEIR RULES AGAINST DOING THAT?***

The short answer is that your legislature likely can do what it wants with your state funding. While there is some "nonsupplantation" language in the OVC Guidelines, OVC has never, in 25 years, invoked this clause, and we know that many, many states have had their funding cut or raided (or even axed entirely) by



their legislatures during that time. For OVC to accuse a state of supplanting available state funds with federal funds (the definition of supplantation), the state would have to be careless enough to go on record as saying that it is targeting your program for reduction precisely because of federal funds becoming available. If the state instead, under overall budget pressure, reduced a number of programs, including yours, it would be impossible to prove. And remember, OVC Guidelines say that simply accepting and spending federal grant money is NEVER supplantation. It would be a very long stretch to expect that OVC would even try to enforce a nonsupplantation provision.

And here's the main thing: The federal government doesn't have to do anything special to penalize you when your state reduces your state funding or spending -- because VOCA already has a self-enforcing mechanism that penalizes a state for doing that. If you reduce state spending, you get a lower federal grant in the future, because your VOCA grant is always a percentage of what you spend in state dollars. There is not, and doesn't have to be, a "maintenance of effort" provision in VOCA. That's because the funding mechanism (grants based on state-dollar payout) has the same effect. A state that doesn't spend state comp. money gets zero federal funds, and a state that reduces state spending gets reductions in federal grants.

***I'M WORRIED I WON'T BE ABLE TO INCREASE SPENDING. HOW WILL THAT AFFECT THIS GRANT, AND FUTURE ONES?***

All you have to do with the stimulus money is spend it.

The stimulus money will give you about 25% more VOCA grant money this year. If you normally get a regular grant of \$1 million, you'll get about an additional \$250,000 from your stimulus grant. Counting both state and federal funds, this means, overall, that you've got about 10% extra money to spend. Here's an example, showing federal and state spending for a typical state:

	<u>FY'08</u>	<u>FY '09</u>
State funds	2.0	2.0
VOCA grants	1.2	1.5 (extra \$300,000 grant)
Total funds	3.2	3.5

If, in spending the stimulus money, you simply spend more federal money and less state money in the coming year, then you've effectively negated the ex-

tra money you got -- since you'll report less state spending on your certification form, and you'll get a lower federal grant based on that in the future. In other words, unless you maintain your current state spending, you'll just end up giving the feds back most of the stimulus money they gave you, in the form of smaller future grants.

So one way to avoid cutting into your state spending is to spend 10% more money in awards to victims. Some states won't have a problem with this. They're already out of money, or they've got a backlog, so they can get the federal money out quickly, and still spend the same amount of state money. Their future federal grants won't be affected. One state said it would do more outreach for a concentrated period of time in the near future, since its experience has been that a temporary increase in outreach usually results in a temporary increase in claims. The increase in claims would help the state spend the 10% quickly, but that new level of claims might not be sustained for very long after the outreach initiative was complete. A state also could consider adding a new benefit, but it would have to remember that the extra federal funding this year is likely a one-time infusion of funds, and the state would have to sustain the new benefit itself in future years.

If states can't increase applications, or aren't in the red, or don't have backlogs to get rid of, they may have a more difficult time spending the extra federal money without having it cut into their state spending. One obvious strategy is to continue spending the balance of state and federal funds, but just spend the stimulus money first, instead of your regular VOCA grant money. If you normally use a certain amount of regular VOCA grant money in a year,

you may spend the same amount, but take a little less from your regular VOCA grant, as you spend the stimulus money first. You're likely to need that regular VOCA grant money in the future, as your payouts slowly climb due to rising medical costs, or increased claims, or new benefits. It just may take you more than one year to increase payouts by 10% overall, but you'll likely do that over three years. By gradually spending all the federal money available to you -- stimulus grant first, then regular VOCA money -- and trying to maintain state spending at the same time, you'll be likely to avoid seeing cuts in your future VOCA grants.

***Remember, only OVC can give you official info! But contact us if we can help in any way as you work through the details.***



# ITVERP Reaching Out to Terrorist Victims

The International Terrorism Victim Expense Reimbursement Program (ITVERP), managed by the Office for Victims of Crime (OVC) at the U.S. Department of Justice, recently launched two initiatives to enhance outreach to potential victims and their family members that may qualify for ITVERP. Through these efforts, OVC's goal is to strengthen the assistance available to them through closer coordination with other victim compensation programs.

## **Reaching Out to Potential Claimants**

ITVERP recently began an extensive outreach campaign to reach more than 1,000 individuals whose eligibility for ITVERP will expire on **October 6, 2009**.

ITVERP staff are reaching out through targeted mailings to individuals throughout the United States and internationally that may qualify for reimbursement assistance through ITVERP. OVC is collaborating with key stakeholders, including victim compensation programs, and providing information about ITVERP and the upcoming filing deadlines.

## **Building Partnerships with Victim Compensation Professionals**

OVC recognizes that while the financial reimbursement that is offered through ITVERP fills critical gaps in the assistance available for victims and their families, there are other areas in which the program is not authorized to assist. Therefore, through a new ITVERP initiative, OVC is reaching out to build collaborative relationships with local and state level victim compensation providers on a case-by-case basis. It is OVC's goal that through increased collaboration and partnership, eligible victims of international terrorism or their family receive the support they need in the aftermath of an international terrorist event.

ITVERP provides expense reimbursement to eligible victims and surviving family members of acts of international terrorism in the following areas:

- ✦ Medical, including dental and rehabilitation costs (up to \$50,000)
- ✦ Property loss, repair and replacement (up to \$10,000)

- ✦ Funeral and burial costs (up to \$25,000)
- Miscellaneous expenses, such as temporary lodging, local transportation, telephone costs and emergency travel (up to \$15,000)

However, ITVERP does *not* cover lost wages, attorneys' fees, legal expenses, pain and suffering, or loss of enjoyment of life or of consortium. Although ITVERP is not authorized to cover lost wages, OVC recognizes that victims of acts of international terrorism may qualify for assistance in securing lost wages

from most state victim compensation programs. Therefore, building a referral mechanism between ITVERP and state level compensation programs will further enhance the coordinated provision of assistance that a victim may be eligible for.

In some cases, ITVERP staff may have already collected important documentation a state compensation program may need in order to process a claim. For example,

documentation establishing the claimant as a victim of crime can often be difficult to collect by the potential claimant or by the state or local victim compensation provider. On a case-by-case basis and with the written consent of the claimant, ITVERP staff can work with state and local victim compensation programs to help address these challenges.

The ITVERP Resource Center maintains a toll free phone line from 8:30 – 5:30 EST, Monday through Friday, at 1-800-363-0441. Inquiries may also be sent via e-mail at [itverp@usdoj.gov](mailto:itverp@usdoj.gov). If you would like to request an ITVERP information packet, please call or e-mail the Resource Center. You can also download information (including the application) at [www.ovc.gov/itverp](http://www.ovc.gov/itverp). If you are working with someone or are contacted by someone who you think might be eligible for assistance through ITVERP and have further questions, please contact the ITVERP Resource Center. For a listing of U.S. Department of Justice designated events for ITVERP, please visit [www.ovc.gov/intdir/itverp/terrorist\\_events.html](http://www.ovc.gov/intdir/itverp/terrorist_events.html).

If you have specific ideas about how ITVERP can further enhance efforts to collaborate with local and state victim compensation programs, please contact ITVERP's Victim Justice Program Specialist, Chandria Slaughter at [Chandria.Slaughter@usdoj.gov](mailto:Chandria.Slaughter@usdoj.gov).

## ***The deadlines for making a claim are the following:***

*For acts occurring between October 23, 1983, and December 20, 1988, the deadline for filing a claim is January 28, 2011.*

***For acts occurring between December 21, 1988, and October 6, 2006, the deadline is October 6, 2009.***

*For all acts occurring after October 6, 2006, the filing deadline is 3 years from the date of the act of international terrorism.*

# 2009 National Training Conference

Washington, DC  
September 30 – October 2

*The nation's crime victim compensation programs will join with their colleagues in VOCA assistance for three days of discussions on the most important topics facing professionals serving victims today. Sponsored by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, the conference will celebrate the 25 years that have passed since the Victims of Crime Act of 1984 (VOCA) was adopted by Congress, providing crucial funding for services administered by the states. A full agenda of workshops for compensation program managers, claims processors, Board members, and other key staff will be offered. More details will be sent to all programs soon!*

VOCA  
25 Years  
1984—2009