

# Crime Victim Compensation QUARTERLY

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COMPENSATION BOARDS

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## Record Number of Participants To Attend Conference in San Diego

This year's National Training Conference in San Diego is planned to meet the training and information needs of program managers, claims processing personnel, Board members, and other key staff, and to address the major issues facing all compensation programs today. It's designed to appeal to veterans and newcomers alike, and programs large and small. With a record number of participants expected from nearly every state, the conference promises to be both the biggest and the most focused ever.

Workshops are organized in loose "tracks" geared toward the interest of managers, claims processors, and decision makers. A manager, for example, will be able to attend a series of sessions that explore various crucial aspects of directing a program. On just the first full day of the conference, these include managing change within an organization; understanding how generational and technological changes in the workforce alter the effectiveness of managerial styles; and assessing how new benefits both expand the ability of programs to serve victims' needs and pose special challenges in administration. Other sessions will focus on VOCA grant management; forecasting and budget planning; emergency planning; outreach and awareness,

and revenue recovery.

Claims processors will first get a thorough grounding in the realities of victimization and domestic violence, and then examine ways to make interactions with victims and with providers easier and more productive for all concerned. Contributory conduct gets a thorough review, and other workshops discuss diversity and bias, medical bills and records, and vicarious trauma and burnout. Board members meet first in a roundtable to decide the crucial topics they want to discuss, and then delve into the ways that statutory constructs and judicial decisions should guide contributory conduct decisions. They can also explore gang violence, privacy rights, and victimization in Indian and Alaskan Native communities.

We're grateful to the Office for Victims of Crime in the U.S. Department of Justice for grant funding to make this conference possible, and we appreciate the outstanding help that our host state is providing. Julie Nauman and her staff at the California Victim Compensation and Government Claims Board — the oldest and largest program in the country — will share some of the ideas and strategies that have kept California at the forefront of compensation program administration.

National Training  
Conference  
2008  
San Diego  
September 8-12

# President's Message

Our National Training Conference in San Diego will be our largest conference ever, with close to 200 people participating from nearly every state. We've planned an excellent agenda, and we look forward to hearing from some outstanding presenters. We're glad that so many of you will be joining us for what promises to be a wonderful gathering.

I want to recognize and thank the new head of the California Victim Compensation and Government Claims Board, Julie Nauman, for the help she and her staff are providing in implementing our conference. We will have an opportunity to hear from Julie and her staff about the great things they're doing in outreach, claims processing and restitution. California always has been a leader, beginning with its inception as the first program in the country in 1965, and I know Julie will continue to move her program forward.

Over the past two years, I've had the privilege to serve as President of the National Association of Crime Victim Compensation Boards. I've enjoyed working on behalf of our organization, and I've appreciated the support of my colleagues in compensation programs around the country. The other officers who have served during my tenure, including Deb Rice, Shawanda Reynolds-Cobb, Gene McCleskey, Cletus Nnanabu, and Rodney Doss, have been tremendously helpful to me in analyzing issues, planning our activities, and representing our interests. In addition, our 13-member Board of Directors has

provided excellent advice in responding to requests for information and assistance.

I want to thank John Gillis, director of the Office for Victims of Crime, for his steadfast support. OVC grants have helped us in holding conferences and developing technical assistance materials, such as our Compensation Managers' Guidebook. Mr. Gillis has said he'll be stepping down at the end of the current Administration, and we all owe him a great deal for his dedicated work in helping victims and state programs.

Many states face tough budget situations now, and during these difficult times, we all must continue to emphasize the importance of victim compensation in helping victims recover. We have to continue to work hard to maintain our funding, and to improve our programs to meet victims' needs. I'm glad I've had the chance to help my colleagues meet some of the challenges we face not only as a national organization, but also as individual programs doing our best to serve victims in our states. I look forward to continuing to work alongside you to strengthen the Association and

our own programs. It always has been the active participation of our membership that has made the Association strong, and I thank you again for letting me serve as your President.

—Frank S. Henderson, Jr.



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# Eastern Regional in Mystic Brings 15 States Together

**F**orty-three people from 15 states met over three days in Mystic to explore various aspects of crime victimization and to discuss strategies for the better administration of compensation programs. Highlights included presentations by experts on stalking and domestic violence; on human trafficking; and on managing stress to avoid burnout. In break-out sessions, managers focused on current challenges in directing programs, and claims processors analyzed problems encountered in each step of the claims process. Association President Frank Henderson, Jr., led a spirited discussion of some contributory conduct cases.

In the state roundtable, participants shared recent developments in their programs. West Virginia reported engaging in "Operation Outreach" during Crime Victims Week, focusing on students as well as the general public. In Virginia, coverage of stalking and of forensic-exam costs has been added recently to its roster of benefits. Vermont is instituting a debt-collection delay provision for claimants. Mississippi is reaching out to train police, domestic violence programs, and the judicial branch. Massachusetts reports that it's fully staffed and has eliminated its backlog. Maryland convened a focus group of victims, service providers, law enforcement, and advocacy groups to critique the program and guide future improvements. Kansas added crime-scene cleanup to its benefit list, and Indiana is expanding outreach. Rhode Island will be moving forward with new software. Pennsylvania's Advisory Group of victim advocates and service providers continues to make suggestions for change, and the program is developing strategies to improve information from police. Ohio has added two new advocates to train in churches, communities, hospitals, and on campus, and in Illinois, a no-contact order will be sufficient for establishing eligibility in domestic violence cases.

Connecticut Director Linda Cimino and her dedicated staff helped immensely in the planning and implementation of the conference. Mystic proved a great location for the conference, with sunshine and good weather allowing participants to stroll through this fascinating town after conference hours.

## Welcome!

**Julie Nauman** is the new executive officer of California's Victim Compensation and Government Claims Board. Julie has many years of experience managing state agencies, including ten years as chief deputy director of the Integrated Waste Management Board, and six years as chief deputy director of the California Department of Housing and Community Development.

**Barbara Brown** now serves as executive director of the Delaware Violent Crimes Compensation Board. With degrees in social work, she's also been director of Constituent Relations for Delaware's governor, and she was director of Compliance and Government Relations for Coventry Health Care.

**Sandy Clark** has been named director of the Massachusetts Attorney General's Office Victim Compensation and Assistance Division, where she's worked for the past 10 years. Previously, she was a victim-witness advocate in the district attorney's office in Essex County, Massachusetts, where she also supervised a domestic-violence unit and served as a forensic interviewer in the child abuse program.

**Crystal Greving** is the new director of the South Dakota Crime Victim's Compensation Program. Crystal's most recent experience is as a mental health therapist in a prison, and she also has provided therapy to adults and adolescents.

**Kathy Zupan** has been assigned to administer the Crime Victim Compensation Program in Wisconsin, her latest responsibility in a 25-year career with the Attorney General's Office. She most recently served as victim services director for seven years, administering funding and providing technical assistance to victim-witness programs throughout the state.



# Key Questions for Managers Form Core of Conference

Every compensation program manager faces a number of important questions in evaluating the effectiveness of his or her program. These questions relate to various important operational areas, and they must be addressed to determine how well a program is functioning, as well as how it can move forward in becoming more successful.

Our National Training Conference in San Diego is built around a thorough and multi-faceted exploration of these questions. The following provides information on workshops and sessions that will help managers and their staff and decision makers perform their responsibilities better.

## ***Am I managing my staff well?***

Am I doing what I can to motivate my staff, and to organize their workflow to attain maximum efficiency in processing claims? When changes in procedures, or in automation systems, are made, do I know how to get my staff to adapt, rather than resist?

Four sessions at our upcoming conference focus specifically on these questions. Herman Millholland, chief of the Victim Services Division of the Texas Attorney General's Office, explores successful management techniques in "Solution-Focused Management." In addition, private consultants who have advised California's Victim Compensation and Government Claims Board in developing strategic plans and in adapting to a new claims-management system will share their innovative ideas.

"Managing the New Workforce," led by renowned trainer Anne Seymour, will address new ideas about how younger employees, raised in a very different social and technological era than their elders, may pose different challenges in supervising and motivating.

Viki Sharp, a widely respected victim advocate and trainer, will talk about "Burnout" issues in an entertaining and stimulating session near the close of our conference.

## ***Is my staff working with victims as sensitively and productively as possible?***

"Victimization 101" is offered as one of the first major workshops at the conference, and is designed to provide basic education in the realities of crime victimization and trauma reactions. Anne Seymour shares facts about what crime victims suffer in the aftermath of crime, and presents approaches to interacting with them sensitively and effectively.

Repeating one of the most successful workshops

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from last year's conference in Williamsburg, Kathleen O'Hara, a therapist, author, and homicide survivor, will help compensation staff to "understand bounda-

ries" in interacting with victims in person and on the phone. Through various exercises, participants will discuss some of the things that are helpful and appropriate to say to victims, and examine statements that may be hurtful and that lessen communication and trust. This is a must for any staff who handle calls and engage in fact-gathering.

Dr. James Kent of California's VCGCB will explore diversity and bias issues. This topic is extremely important for programs dealing with an extremely diverse population of victims, some of whom may not share similar social, cultural, racial or ethnic characteristics as processing staff or decision makers.

"The Latest in Dealing with a Crisis" will be expert Viki Sharp's take on how compensation program staff can talk and work with victims who are suffering through trauma. This session will be of use to all of us, whether working with victims or dealing with our own issues at work and at home.

## ***Do we understand the various types of victimizations?***

One of the leading experts in victimization of the elderly — someone who has led the way in developing innovative ways to investigate and prosecute these crimes — will share his insights in a general session presentation. Paul Greenwood is the head of

the elder abuse prosecution unit in San Diego, and his presentation is sure to be one of the highlights of our conference.

Understanding the dynamics of domestic violence is an absolute must for any crime victim compensation manager or staff person. Why do victims stay in abusive relationships? How do abusers control their victims, and what benefits may help a victim break out of the cycle of violence? Lisa Andrews' background in helping victims of domestic violence will make this session a valuable one for staff and decision makers.

Barbara Ryan, the former director of Clinical Services at San Diego Children's Hospital, will share her knowledge about child victimization and effective ways to provide therapy. Barbara spoke at our 2007 Regional in San Diego, and she elucidates in easy-to-understand terms both the leading treatments for child victims as well as how children may react to the trauma they've experienced.

### ***Are my program's benefits meeting victims' needs?***

In an interactive roundtable, program managers and other participants will first determine what the potential needs of typical victims are, and then explore what benefits there are to meet those needs. The focus will be on new cost items and losses that programs are moving forward to cover.

In a separate roundtable, participants will examine the challenges in administering domestic-violence relocation, rent and income-support benefits. While undoubtedly helpful to victims, these benefits have proven more difficult to provide in many states, and this session will look at how programs have adapted to various problems.

### ***Do decision makers in my program determine claims accurately, fairly, sensitively, and according to the law?***

Of all decisions made by compensation programs, those surrounding questions of contributory conduct are the most difficult, and have the most potential for inaccuracy and inconsistency among decision makers. Our workshop on contributory conduct takes a fresh approach to this issue by focusing on some of the underlying assumptions and dynamics at play, particularly when looking at domestic violence and sexual assault. Pam Ferguson-Brey, veteran director of Hawaii's compensation program, brings her experience and expertise to bear on this vital topic. In addition, NACVCB Executive Director Dan Eddy

leads a special discussion for Board members on contributory conduct issues, focusing on the meaning and interpretation of statutes and judicial decisions.

A fascinating presentation on "Gang Violence" will be made by Paul Mohler, a specialist in juvenile crime intervention with the Texas A.G.'s Office. This session will explore how gangs form and behave; and, more specifically, how contributory conduct concepts might apply to violence between gang members.

### ***Where does my program stand fiscally, and where will it be in the future? Can I improve restitution recovery?***

"Forecasting and Budget Planning" will be the topics addressed by Gene McCleskey, Texas's compensation director. In addition, staff from California's VCGCB will share some of the successful strategies they use to maximize fee and restitution collection.

### ***Am I managing my federal grant correctly?***

Federal VOCA grants provide close to one-third of all funding for state compensation programs. It's essential that managers have a base of knowledge in federal grant rules and procedures, particularly since changes have been made in reporting systems and requirements. Michael Williams of the Office of Comptroller in the Office of Justice Programs, U.S. Department of Justice, will provide expert instruction and advice in how to administer a state VOCA grant correctly.

### ***Are our outreach efforts as effective as they can be?***

California's VCGCB engages in extensive outreach in the nation's largest state, and will lead this important discussion at our conference. In addition, OVC's Renee Williams and an expert consultant from Arizona will present their ideas on expanding compensation opportunities for American Indian and Alaskan Native communities.

*In sum, we hope managers take advantage of this opportunity to explore all these crucial questions with their colleagues in San Diego. By sharing ideas and strategies, and learning from experts, they can improve their program's performance.*

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# A Conference Curriculum for Claims Processing Staff

At every time period during our National Conference, a workshop is planned to address the information and training needs of claims processing staff. By attending a series of sessions throughout each day, a participant whose job responsibility is gathering documentation, analyzing facts, talking with victims and providers, and either making a recommendation for decision or the determination itself will be able to improve job skills and compare approaches with colleagues from around the country. Here is a suggested "curriculum" for a claims processor:

## **Tuesday**

### **10 a.m. Victimization 101**

Get grounded in the basics of what victims go through, from trauma through recovery.

### **1-2:30 p.m., continued**

**from 3-4:30 p.m. Understanding Boundaries and Dealing With Stress** Learn how to handle calls from victims sensitively and effectively, so you create a "win-win" situation in your interactions with victims. Focus on overcoming the stress you may feel as you vicariously experience the trauma that victims suffer.

## **Wednesday**

### **8:30 a.m. Elder Abuse**

A leading authority in prosecuting crimes against the elderly shares insights into what makes elder victims vulnerable, why they frequently decline to cooperate in prosecuting offenders, and what programs can do to help them.

### **10:15 a.m. Domestic Violence Dynamics**

Why do victims stay in abusive relationships? How does violence begin and sustain itself, and how do victims escape? A must for anyone processing claims from domestic violence victims.

### **1 p.m. or 3 p.m.: Contributory Conduct**

This session takes a fresh look at ways to approach factual analysis and eligibility determinations when the victim's conduct is at issue. Prepare to be challenged as you work through case examples with your colleagues.

### **1 p.m. Child Victims**

A nationally renowned clinician describes childhood trauma and the treatments that are effective in treating victimization of young people.

### **3 p.m. Diversity; OR Police Reports and Forms**

The Diversity session addresses how cultural differences may affect how we view other people, how we judge their behavior, and how their reactions to victimizations may differ. We've also scheduled a roundtable discussion on what programs are doing to obtain better and more timely information from law enforcement.

## **Thursday**

### **9:00 a.m. Gang Violence OR The Latest in Dealing With a Crisis**

Choose between learning about how gangs operate, and how claims from members of gangs may have unique characteristics; and an informative take on what experts have learned about how

to work with people in crisis.

### **10:30 a.m., repeated at 1:30 p.m. Medical Claims**

An emergency-room physician who also chairs New Mexico's Crime Victims Reparation Board goes into detail on how to read a medical bill, how to determine whether treatment is crime-related, and what all those codes mean.

### **1:30 p.m. Burnout**

Reading criminal reports on a daily basis is a tough job; and trying to figure out how to help people in financial crisis is very demanding. This workshop provides practical tips on keeping your personal sanity and balance under stress.

### **3:30 p.m. Open Space**

In "Open Space," participants choose the topics they want to explore with their colleagues. Make sure to join us and focus in on what YOU want to discuss.

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## **Board Members Get Special Attention**

Starting with a roundtable on Tuesday morning, Board members can attend sessions of special interest to them: Contributory Conduct, Domestic Violence Dynamics, Diversity, and Medical Claims are just a few of the sessions decision makers will want to attend.

# Program Statistics Show Significant Variations in Payments

It's not surprising that significant variation exists among victim compensation programs, given the many differences between the states. Some states are large, some are small; some have urban centers and others are predominantly rural; and some have more resources than others. Looking at the most recent available statistics about state crime victim compensation programs (from OVC Performance Reports for federal fiscal year 2007), an interesting picture emerges that shows some of the areas in which programs are diverse.

Obviously, larger states are going to pay out more money. Here are the 12 largest compensation programs, inclusive of all states that pay out more than \$10 million annually.

California	72,853,360
Texas	64,082,791
Illinois	30,555,162
New York	24,544,792
Florida	23,346,418
New Jersey	16,766,911
Ohio	14,040,657
Tennessee	12,815,090
Colorado	12,005,908
Washington	11,595,945
Pennsylvania	11,518,321
South Carolina	11,408,605

Some states are paying significantly more than their population sizes would indicate, in comparison to other states. While this could be a function of the crime rates in those states, it also could show that some programs are doing a particularly good job in outreach. Colorado is ranked 24th among the states in population, but has the 9th highest payout, at just over \$12 million. South Carolina is the 26th most populous state, yet ranks 12th in payout, at \$11.4 million. Utah is the 34th largest state in population, but its \$6.9 million payout puts it at 17th among comp. program totals. The District of Columbia is 50th in population, but pays out \$8 million annually in compensation benefits (15th); this reflects not only excellent program outreach, but also the fact that it's entirely a city, where crime numbers are far higher than in a rural population the same size.

**Domestic violence** victims comprise a significant proportion of the claims approved and paid in many states. The median percentage of assault victims compensated who are also domestic violence victims is 22% among all states. Some states show a much

higher percentage: In Alaska, 87% of assault claims involve domestic violence; in Utah the figure is 76%; and in Vermont and New Hampshire, the percentage of D.V. victims among all assault victims paid is 58%. The District of Columbia reports that 63% of its assault victims receiving compensation are D.V. victims; in California the percentage is 48%, in Colorado 49%, and in Florida 47%. All told, 21 states report that domestic violence victims comprise 30% or more of the claims they pay for assault.

**Mental health** expenditures vary widely among states. The median for mental health benefits as a percentage of all compensation paid annually is 4%. But mental health benefits are 35% of what Vermont pays out; and in California and Colorado, mental health payments are approximately 25% of the total paid. Other states showing particularly high payments in counseling, as a percentage of overall payouts, are Utah and D.C., at 16%; and Maine, Massachusetts, New Hampshire, and New Mexico, all at close to 13%.

A growing number of states—26 at latest count, with Virginia being the most recent—are now the designated sole payment source for **forensic examinations in sexual assault cases** in their states. As a result, national expenditures for forensic exams are up significantly, with states paying a total of \$22.9 million for this cost item in FY 2007, an increase of 10% from the year before. Concerns about meeting VAWA requirements to provide free exams to all victims have spurred some states to turn to their compensation programs for help.

Finally, significant variations exist in the number of **child victims** compensated as a percentage of all claimants. Interestingly, it is mostly in the Western states that high caseloads of child victims exist: Oregon reports that 55% of its eligible claimants are child victims; in Utah, the figure is 44%, and in Idaho, child victims comprise 42% of paid claimants. Washington state's proportion of child victims is 37%; Alaska is at 31%; in Colorado it's 26%; California is at 24%; and Montana and New Mexico come in at 22%. Outside the West, South Carolina says close to 50% of its paid claimants are children; and in Vermont the figure is 27%. The only other states outside the West above 20% in paid claims for child victims are North Dakota (38%), Kansas and South Dakota (both at 22%). The national median is just over 10%.

# NACVCB Answers Member Questions

Program managers and staff can find answers to their questions by contacting the Association at [nacvcb@aol.com](mailto:nacvcb@aol.com), or calling 703-780-3200. Through materials gathered over many years, or by contacting other programs with experience in the subject, we try to respond promptly with helpful information. Here's a sampling of some recent inquiries:

## Payments for Medical Care in Foreign Countries

*A member program asked whether it was legal and possible to make payments for medical treatment outside the U.S., when someone victimized in the state returns home to a foreign country.*

Texas has a great deal of experience in making payments for medical treatment outside the U.S., and Compensation Program Director Gene McCleskey responded to this request for assistance. After noting that there's no statutory prohibition against making such payments, Gene shared his program's written policy. It calls for a careful review (Texas employs registered nurses for this purpose) to determine the crime-relatedness of the treatment, as well as whether insurance is available. The program's practice is then to pay bills in foreign currencies according to the exchange rate published by the *New York Times* on the day the bill is processed.

- Access The New York Times on the internet at <http://www.nytimes.com>.
- Go to the Business section, then go to the "Markets" part of the Business section.
- Among the options in a toolbar just below the "Markets" heading at the top of the page, left-click on "Currencies and Commodities." The "Currency Converter" is at the bottom of the "Currencies and Commodities" page.
- Using the menu on the right, bring up the foreign currency involved (such as "Mexican Peso") in the "Currency to convert from" line. Do the same thing to find "United States Dollar" in the "Currency to convert to" line.
- Enter the total amount of the foreign currency to convert in the "Number of Units" line and press "Display Results." A new frame with the entire "Currencies and Commodities" page will be displayed.
- Scroll to the bottom of the display. The answer will be in the area just below the "Currency Converter" title. Print out the result to attach to the bill. The bill is paid in U.S. dollars according to the result.

## Indian Traditional Healing: To Pay, and How Much?

*A member program asked whether other states were paying for Native American healing ceremonies.*

Utah and Minnesota responded with their policies regarding Native American traditional healing. (New Mexico also has detailed policies for payment for Indian healing ceremonies, and some states' policies have been based on NM's.)

Minnesota allows payment for the ceremonies, up to a maximum of \$1,500, if the treatment is "reasonable and necessary for the rehabilitation of the victim." Ceremonies often cost only \$100 to \$300. The policy reads: "*The methods used must be recognized as legitimate by leaders within the claimant's cultural or religious group, and performed by person(s) recommended as qualified to perform the services. One written recommendation must be submitted by a governmental agency, non-profit agency or tribal council, and the letter must state that the cultural healer is qualified to perform the services rendered. Also, there must be an actual cost for fees or supplies which the victim or their family incurred to have the services performed. Transportation costs to obtain such services are not covered. Expenses for meals or recreational activities which are only incidental to the services and not an integral part of a traditional ceremony are not covered.*" Minnesota Director Marie Bibus says that tribal councils generally have some funds available to use for larger ceremonies, and her program does not reimburse when other funds are available.

Utah's policy, provided by Manager Gary Scheller, reads: "*Cultural services rendered in accordance with recognized spiritual or religious methods of healing, legally available in the state of Utah, may be considered for payment. Since a reasonable and customary schedule of charges has not been established, the reparation officer may require the following: a written itemized description of each procedure, function and/or activity performed and an explanation of its benefit to the victim; the location and time involved to perform such services; and a summary of qualifications and experience with allows the service provider to perform the services.*" The program deducts the award from its outpatient mental health subcap.