

# Crime Victim Compensation QUARTERLY

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THE NATIONAL ASSOCIATION  
OF CRIME VICTIM  
COMPENSATION BOARDS

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## National Conference in San Diego To Explore Critical Challenges

Planning is well underway for the 2008 NACVCB National Training Conference, to be held in San Diego, September 8-12. This once-a-year event remains the only conference focused exclusively on the concerns of crime victim compensation programs, and it typically draws professionals in the field from every state program.

The Association's officers met in March with California Crime Victim Compensation Program Executive Officer Karen McGagin and Deputy Executive Officer Tom O'Connor to begin developing an agenda for the conference. Working from evaluations from the past several conferences, the Planning Committee considered three primary facets of a successful gathering:

workshops focused on current major issues; the use of compelling speakers; and interesting opportunities to network with colleagues. Committee members sought to include sessions that will appeal to each of the major job types that will be represented at the conference: program managers, claims processors, and decision makers (including Board members). The committee felt that more management-training workshops should be offered, to better prepare program directors to motivate staff and to develop better approaches to organizing

program operations. Sessions on outreach and training strategies, better claims processing techniques and skills, more accurate and consistent decision making, and firmer fiscal foundations also are being planned.

Evaluations of our most recent National Conference in Williamsburg (see page 7) show that conferees particularly favor small-group discussions and the opportunity to exchange ideas and information. Evaluators also urge that certain high-value

workshops be repeated so that individuals can go to more sessions of interest. A greater use of handout materials also has been recommended. All of these suggestions were discussed favorably by our Planning Committee.

San Diego is a thriving city of great natural beauty, and it

will provide many and varied networking options for conference participants. Our hotel is the Sheraton Suites at Symphony Hall, in the heart of San Diego's exciting downtown core. Call the hotel at 1-888-627-8067 to make reservations in our National Association room block.

Please contact us if you have any suggestions for inclusion in our agenda. A conference flyer will be sent soon to all compensation programs describing our agenda in more detail. See you in San Diego in September!

National Training  
Conference  
2008  
San Diego  
September 8-12

# President's Message

On April 11, U.S. Attorney General Michael Mukasey presented the 2008 Ronald Reagan Public Policy Award to the Association's Executive Director Dan Eddy. Dan is so deserving of this great honor for all he has done and continues to do. He has worked hard for compensation programs for many years, as well as for the overall cause of victim services. Thank you to all of you who supported Dan in this nomination, because it wouldn't have been possible without your endorsement.

Attorney General Mukasey presented several other awards at the annual National Crime Victims' Rights Week Awards ceremony in Washington, D.C. The National Crime Victim Service Award went to Andrea Conte, the First Lady of Tennessee, for her work with victims groups in her state, including an advisory commission to the victim compensation program; and Dr. Nora Baladerian of Los Angeles, for her work with disabled crime victims. The Allied Professional Award was presented to Steven D. Walker of Fresno for his pioneering work in establishing victimology in higher education; and Kim Ogg of Houston, who has served as a prosecutor, a director of Crime-Stoppers, and now as a private practitioner serving victims. The Award for Professional Innovation in Victim Services went to Kim Lockhart of Winter Haven, Florida, who came up with the idea of using service dogs to accompany victims from coun-

seling sessions through police interviews to trial. The Federal Service Award was presented to Donna Duplantier for her work as the Victim-Witness Coordinator in New Orleans in the wake of Hurricane Katrina. The Crime Victims Fund award went to the



Treasury Offset Program, a centralized debt collection program designed to assist agencies in the collection of delinquent debt owed to the Federal Government. Finally, Yvette Cade was recognized with the Special Courage Award for her work as a survivor in the aftermath of being horribly burned by her ex-husband, who doused her with gasoline and set her on fire. Our congratulations to all these award winners.

OVC Director John Gillis announced at the ceremony that he would be retiring in January, 2009. We are grateful for his outstanding leadership and for his support for the work of this Association. We wish him all the best in his future endeavors.

A wonderful time was had by all at the Southern-Western Regional in San Antonio. Unfortunately, I was unable to attend, due to being snowed in at the Kansas City airport! Sitting in an airport for 13 hours is not quite the same as sipping iced tea on the Riverwalk . . . But I'm looking forward to our Eastern Regional in May in Mystic. And don't forget to start making plans for our National Conference in San Diego!

—Frank S. Henderson, Jr.

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# Situation Looks Bleak for VOCA Assistance Programs

**D**eclining VOCA caps and increasing earmarks and administrative expenditures may result in a precipitous cut in VOCA assistance grants just a year from now, according to estimates made by the National Association of VOCA Assistance Administrators (NAVAA). Projections for VOCA assistance grants in 2009 show a potential cut of \$159.4 million, or 40%, from the FY 2006 level, based on White House proposals and recent Congressional trends. (See [www.navaa.org](http://www.navaa.org) for more information.)

Compensation grants will remain unaffected, because VOCA sets aside a certain percentage of the amounts available under the cap (after earmarks) for those grants each year, and it always has been sufficient to provide each state a grant equal to 60% of a prior-year state-dollar payout. VOCA assistance grants also are guaranteed an equal percentage, but because they also get any amounts available after all other VOCA purposes are funded, the grants can rise or fall dramatically depending on how much money is left over. If other VOCA purposes eat up more of the overall amount, VOCA assistance gets less.

In 2009, a “perfect storm” is brewing to batter VOCA assistance grants. The overall cap was lowered in 2008 to \$590 million, and if that is again the level in 2009, there’s less money to begin with. While compensation grants aren’t expected to rise significantly next year, they’re still quite a bit higher than they were in 2006, so less money will be available from the compensation “pot” to be added to VOCA assistance. Amounts going to fund victim-witness personnel in U.S. Attorney and FBI offices have increased, and Congress recently authorized allocations from VOCA to pay for new administrative units within the Department of Justice.

*Because compensation programs depend so heavily on victim assistance programs to refer clients and to help victims fill out application forms, any cut in victim service programs or staffing could easily lead to a decrease in claims. Forecasts of dramatic cuts in state victim assistance grants likely will mean fewer advocates, fewer shelters, fewer people helping victims — and that means fewer victims will get information about compensation opportunities.*

The following chart shows the VOCA cap set by Congress for each fiscal year, as well as the compensation and assistance grants for each year.

	VOCA Cap	Comp. Grants	VA Grants
FY 2000	500.0	81.4	370.2
FY 2001	537.5	90.7	360.9
FY 2002	550.0	94.0	383.0
FY 2003	600.0	164.9	353.0
FY 2004	621.3	186.1	356.0
FY 2005	620.0	169.7	372.8
FY 2006	625.0	143.4	395.9
FY 2007	625.0	165.8	370.6
FY 2008	590.0	171.3	289.3*
FY 2009	590.0**	175.0*	239.8**

\*estimated amount

\*\*based on Administration proposals



## Many State Budgets May Suffer Severe Cutbacks

*State legislatures may be eyeing crime victim compensation program funding in some states in efforts to meet substantial budget shortfalls in the coming year. Twenty-two states have projected budget gaps for FY 2009, including 15% in California, 16% in Arizona, 11% in Florida and Rhode Island, and close to 10% in Alabama, New York, and New Jersey.*

*In prior years, several compensation programs’ funds have been raided by legislatures. Reminding lawmakers that many more victims could be seeking compensation; that mass violence is always a threat and would require sudden greater outlays to victims; and that some “reserve” is necessary to prevent backlogs may be among the strategies useful in countering unwanted compensation fund reductions.*

# Southern-Western Regional Conference Report

With 60 people from 23 states, plus another 30 from Texas, the 2008 Southern-Western Regional in San Antonio, February 17-21, was our best-attended Regional ever. An agenda packed with substantive sessions kept conferees busy during the day, and in the evening, the renowned Riverwalk beckoned participants to enjoy some welcome down time outside in the middle of winter.

The conference opened with the annual “state developments roundtable,” which affords discussion of new trends as well as current challenges. Among some current outreach initiatives were increased ef-

orts to reach Native American populations; the implementation of “regional coordinators” so that a staff person could better serve a particular area of a state; and a language line to help with non-English-speaking populations. One state has developed a primer on compensation for helping train police. One manager said his program has been working hard to help victims who’ve had a forensic-exam claim paid to also file for benefits through a regular compensation claim.

A few states have been able to add “residents victimized abroad” to their eligibility for compensation, and others have raised benefit caps in some areas.

Among problems explored were staffing issues, including high turnover rates, morale issues, workload stresses, and economic pressures (pay scales). Managers acknowledged that it’s sometimes hard to keep good staff if the private sector can offer more money for their skills. Some programs are taking more steps to increase morale: a “Friday tea party,” an “Office Olympics,” and a “Biggest Loser” outing were some unique ideas to build team spirit. Another program offers a counselor to meet with employees on a regular basis, helping them deal with vicarious trauma and other job stresses.

One program emphasized the need for uniform policies and procedures, as well as a weekly peer-review session, to help speed and guide staff decisions. Another program mentioned that they have access to police reports online, dramatically cutting claims-processing time. Some programs either have recently updated automation or are in the RFP process to do so. At least one state is allowing on-line filing of claims. Managers and staff also shared concerns regarding fraud on the part of claimants and providers.

Several states mentioned the need to protect their fund balance against potential legislative raids during tough times for state budgets. Some managers said they’re doing more to seek restitution, and to negotiate bills with providers.

The Regional also featured some outstanding presentations on important issues. Paul Mohler of the Juvenile Interventions Program in the Texas A.G. Office gave an excellent talk on the realities of gang violence and the issues facing compensation programs in dealing with gang-member claims. Two investigators from the A.G.’s Cybercrimes Unit led a

session on Internet abuses. California’s Karen McGagin, Pennsylvania’s Bonnie Bechtel, and Texas’s Gene McCleskey provided information on their state-

of-the-art automation systems, and Robert Rodriguez of Texas led an animated contributory-conduct case discussion. The conference closed with a presentation on stress and burnout by Dr. Eugenia Barr.

San Antonio didn’t disappoint, with warm temperatures and sunshine helping boost the spirits of conferees, many of whom had come from much colder climes. Participants enjoyed an evening “ghost tour” and found spare time to explore the Alamo.

The Association thanks Herman Millholland, Gene McCleskey, and all their staff in the Texas Crime Victims Services Division for their help in planning and hosting this Regional.

Southern & Western Regional  
San Antonio, Texas  
February 17-20, 2008

## *Mystic Regional To Feature Experts and Group Discussions*

*Leading experts in the fields of stalking, human trafficking, and stress/burnout will be interspersed in an agenda featuring small-group discussions on a variety of compensation-related issues at our upcoming Regional May 6-8 in Mystic, Connecticut. Participants also will be divided into discussion groups for managers and for claims processors to delve into issues unique to those job responsibilities.*

*More than 40 participants from 17 states are registered. Contact the Association at 703-780-3200 if you need more information.*

# ***States Adopt Policies and Laws To Address Emerging Situations***

## **Denver District Creates “Cold Case” Exception**

After the Denver District Attorney’s Office reopened a number of “cold cases” (crimes that had not been solved in the immediate aftermath of their commission), the Crime Victim Compensation Program in that district felt the need to try to assist victims who might not meet normal filing-deadline requirements. After asking the Association to check with other states for their thoughts on this issue, the Denver Victim Compensation Board adopted a policy specifically addressing these types of cases. (Denver Compensation Coordinator Linda Ferry credits Lynn Shiner of Pennsylvania and Gary Scheller of Utah with providing ideas for this policy.)

### ***Exceptions to Application Deadline***

*The Crime Victim Compensation Board in the 2<sup>nd</sup> Judicial District recognizes that circumstances exist in which a crime victim may apply for Crime Victim Compensation outside the statutory criterion of one year. The Board is aware that changes in science and evidence collection have increased the ability of law enforcement and the District Attorney to identify and charge suspects on “cold cases.” In addition, victims compelled to testify pursuant to CRE 404(b), but who are not the primary victim in the crime being prosecuted, may also wish to seek therapy at the time of testimony. This may also be true of cases that are on appeal or are returned to the District Court as the result of appeal. Primary victims who were children at the time of their victimization but who wish to seek therapy as adults may also be considered.*

*In cases in which one of the four criteria above is met, the Board will consider an application for Crime Victim Compensation that is submitted after one year under the following circumstances:*

- 1. The Board will only consider a request for therapy for the primary victim(s);*
- 2. The crime must have happened in the 2<sup>nd</sup> Judicial District after July 1, 1982;*
- 3. The applicant must have reported the crime to law enforcement when it occurred;*
- 4. The victim must cooperate in the investigation and prosecution of the crime.*

Contact Linda Ferry at [lmf@denverda.org](mailto:lmf@denverda.org) for more information.

## ***Utah Authorizes Medical Fee Schedule***

After a dramatic increase last year in medical payments, Utah’s Office of Crime Victim Reparations successfully sought authority from the state legislature to implement a medical fee schedule to help control costs. The new law also requires medical service providers to agree to accept payments as full on behalf of the victim or claimant.

Medical payments zoomed up \$1.1 million in Utah last year, as total compensation benefits hit a record high of \$7.4 million.

Director Ron Gordon will be meeting soon with his state’s medical association to work out the details of implementing an appropriate

fee schedule. Contact Ron at [rbgordon@utah.gov](mailto:rbgordon@utah.gov) for more information.

About half the state compensation programs use some method to reduce medical bills, such as fee schedules, negotiated agreements with hospitals, and across-the-board percentage reductions.

### **63M-7-521.5. Payments to medical providers.**

*(1) Except as provided in Subsection (2), a medical service provider who accepts payment from the office shall agree to accept payments as payment in full on behalf of the victim or claimant. The medical service provider may not attempt to collect further payment from the victim or the claimant for services for which the office has made payment.*

*(2) In the event the office is unable to make full payment in accordance with its rules, the medical service provider may collect from the victim or claimant, but not more than the amount the provider would have received from the office.*

*(3) The office may:*

*(a) use the fee schedule utilized by the Utah Public Employees Health Plan or any other fee schedule adopted by the board; and*

*(b) make rules necessary to implement the fee schedule adopted in accordance with this section.*

## **State Developments**

Let us know about significant changes in your statute or rule — we’re very interested in sharing how programs are evolving to meet their challenges. Contact Dan Eddy at [nacvcb@aol.com](mailto:nacvcb@aol.com) or 703-780-3200.

## 2008 NATIONAL CRIME VICTIMS' RIGHTS WEEK

Justice for **ALL** Victims



Office for Victims of Crime Director John Gillis and Association President Frank Henderson, Jr., flank Executive Director Dan Eddy at the Department of Justice National Crime Victims' Rights Week ceremony in Washington, D.C., April 11.



OVC Director John Gillis joins Award recipients at the ceremony.

# Conferees Evaluate 2007 Conference

## *Overall Conference Evaluations*

Conferees were asked a number of questions in an effort to understand what they thought worked best at the conference, what could be improved, and what additional topics should be discussed at future conferences.

Not surprisingly, participants often mentioned favorably the opportunity to meet, interact and network with people from other states. "Having the opportunity to meet VOCA administrators and network with them," was appreciated by one evaluator, and others consistently enjoyed networking both in workshops and in other settings facilitated by the conference, including dinners and group trips.

They also appreciated the variety of topics at the conference, ranging from grant-specific management topics to "general interest" sessions on issues relevant to the victims field. "I really enjoyed the interaction between the presenters and the attendees," one evaluation noted. "They were able to answer all the hard questions."

"I really like the roundtable discussion format," another evaluator said in a comment echoed by other participants. "I found the roundtables to be most helpful. They provided for group participation and an open forum/exchange of ideas/practices."

When asked what changes they would recommend to make the conference better for future participants, participants provided a variety of answers.

"Overall, the conference is great, however there are too many good/interesting breakout sessions scheduled at the same time that make choosing somewhat challenging," one evaluator said. "Can you repeat more of the workshops? My agency only allows one person to attend and there were so many good workshops and I missed some."

"Have seasoned and new program managers meet together to collaborate, have the seasoned workers work together with the newer program managers as mentors, helping them with the pitfalls that they may face and also some of the strategies that helped them," said one participant.

A few participants commented that they wanted more handouts so they could bring these home to share with other staff not able to attend.

One specific comment was: "Somehow gather administrators that have 'all' victim service funding sources in their states (i.e., VOCA, VAWA, FVPSA state assistance, state shelter, etc.) to discuss strategies." Other requests included:

- More on financial management.
- Repeat the GMS info.
- Ask participants to bring their state's materials

for others to view and contact at later dates if needed.

- More open forums.
- I would love to hear from victims—a panel of victims—more of why we do the work we do.
- Longer times for roundtables.

While a few comments were made that the conference seemed too lengthy, opinion was divided on this, with another participant saying the conference "could be longer."

A number of suggestions were made for topics to include at future conferences.

- Continuing as we have while adding workshops for any new cutting-edge issues.
- More 101 [introductory] info.
- More technology-related subjects.
- Innovative strategies for the collaboration and coordination of agencies throughout the broad spectrum of victim service agencies for more effective restoration of a victim of crime.
- How and what training other states are providing to their staff.
- Workshop on the subgrantee reporting forms that we complete in GMS.
- RFR Evaluation (how do states do it?)
- Assurances and Special Conditions: What exactly are we committing to do? What are states doing to meet the requirements for LEP? What do we need to know about lobbying? What is debarment?
- Corrective Action Plans (How are they done? Success stories?)
- The reality of dealing with difficult victims.
- Grant software. What is out there to streamline the process.
- I would like to have the Comp programs who have boards to have a roundtable with their program managers included in the discussion.

## **Summary**

While the 2007 VOCA National Training Conference appears to have been a great success, future conferences can be improved in a number of ways, including more roundtable discussions, ample networking opportunities both within and outside workshop venues, repeating workshops that have high-value content, and greater use of handouts and written materials from states.

The Association will do what it can to make these recommendations a reality at future conferences. Thank you for your input!

*National Association of Crime Victim Compensation Boards*

# Training Calendar 2008

## **National Training Conference San Diego Sheraton Suites September 8-12, 2008**

Contact the hotel at 1-888-627-8067 and ask for rooms for the "National Assoc. of Crime Victims" conference (necessarily shortened from our full name) at our special rate of \$139 + tax (the federal govt. rate for the city). The conference is open to all personnel working within a state/county/district crime victim compensation program. No registration fee is anticipated at this time. A conference flyer with a draft agenda will be sent soon to all compensation programs.

*Eastern Regional Conference  
Mystic, Connecticut  
May 6-8, 2008*

*More than 40 representatives of 17 states are expected at the Regional. Thank you for your support!*