

# Crime Victim Compensation QUARTERLY

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THE NATIONAL ASSOCIATION  
OF CRIME VICTIM  
COMPENSATION BOARDS

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## Fifty States Gather in Chicago for National Training Conference

It's happening in Chicago — one of the largest gatherings of victim compensation program managers, staff, and Board members from 50 states. The National Association of Crime Victim Compensation Boards, with support from the Office for Victims of Crime in the U.S. Department of Justice, is holding its 2010 conference at a crucial time, when its member programs face unprecedented challenges in meeting the needs of victims of violence. How will your program meet the challenges of the future? Funding, cost control, a diversity of clients and stakeholders to reach and assist, and a demand for greater quality and efficiency — these topics and more are on the agenda. The latest and most successful strategies to improve program performance will be explored, and participants will have a tremendous opportunity to network with colleagues on a wide variety of issues.

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 claims processors' challenges. 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 study traumatic reactions to violence, and hear about what families of homicide victims go through.

And toward the end of our conference, on Thursday afternoon, we'll gather to explore what goes into making a compensation program "state of the art," everything from benefits and procedures, to staff motivation and care; from technological advancements to better ways to communicate victims in more sensitive ways.

We know your participation will be crucial to this effort. We look forward to working together with you over the next few days!

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

# President's Message

**I** am very happy that we have so many people participating in this year's National Training Conference. The diversity of our member programs, and the people who manage and work within them, are our strengths as an organization.

Everyone has something to contribute, and I hope during our time together we all gain something useful that we can incorporate into our programs. I also want to express our gratitude to our federal partners in the Office for Victims of Crime for so generously supporting us.

I have had the honor and privilege of serving as the Association's President for the past two years, and on its Executive Committee for six years prior to that. I hope I have helped this organization grow in its effectiveness in supporting our member programs, and through them, the needs of victims. I want to thank all those who have served with me, as officers and Board members, and to tell them how important their support has been. We depend so much on those within our own ranks to provide advice and assistance on the many challenges individual programs face. The expertise and experience our veterans possess, and the enthusiasm and energy that our newer managers and staff demonstrate, are what keep us strong. I am grateful I have been able to play a part in building our organization's capacity to help programs do a more effective job in serving victims.

Let me mention several initiatives begun recently. Soon we'll be launching a new and improved Website,

which we intend to use both as a repository for existing information and as a means to gather more. We also have begun a new Strategic Planning initiative to take a comprehensive look at what we could do better to serve our membership. Also in the past year, OVC

has involved our organization's leadership in a series of Quarterly meetings on a variety of topics, and this has been an excellent way to share new ideas and raise issues with federal officials.

One of the nicer aspects of serving in this organization's leadership is planning conferences, and it has been a pleasure to work with so many colleagues, both in compensation and victim assistance, in developing and implementing training sessions. I have many fond memories of our conferences — both of the workshops and of the free time we've enjoyed in some wonderful places. Once again we're meeting in a great city — Chicago — so I hope you take full advantage of the opportunities to network and explore your

surroundings. And as I leave office this fall, I certainly am not leaving my active participation in the Association, which I will continue for as long as I work in this field. This organization has proven so important to me as a program manager, and I have been blessed by the friendship of many outstanding people. I hope I have contributed in some small way to our Association's success, and I will try to keep helping in any way I can. Thank you!

— Deb Rice



## Association Officers

**President:** Deborah Shaw Rice (Maine)

**1st Vice President:** Shawanda Reynolds-Cobb (Georgia)

**2nd Vice President:** Gene McCleskey (Texas)

**Treasurer:** Cletus Nnanabu (Washington)

**Secretary:** George Gutierrez (Idaho)

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# OVC's HOPE III To Create Blueprint for Change

## *New OVC Project Launches with Discussion at Conference*

OVC is awarding funding to five grantees under the Helping Organizations and Programs Expand (HOPE III) project, the overarching goal of which is to expand the vision and impact of the crime victim services field. Collectively, the grantees will: (1) undertake a comprehensive analysis of the current state of the crime victims' field in the U.S., with each grantee conducting a critical portion of the analysis; and (2) develop a consensus document that provides a philosophical and strategic framework for defining the role of the field in the country's response to crime and moving the field forward in the future. The final consensus document will include recommendations to OVC and the broader victims' field as well as a detailed blueprint for a national demonstration project (or multiple demonstration projects) focused on implementation of those recommendations. Representatives of the HOPE III grantees will be at our conference on Tuesday morning to provide us with an introduction to this project and begin receiving our input at the outset of the grantees' efforts.



## Crime is Down . . . But Ranks of Uninsured Grow

*There's good news and bad for compensation programs, in terms of what they may expect in numbers of claims and total awards. The good news is that crime continues to decrease, according to the latest federal surveys: Violent crimes dropped 5% in 2009, and are now nearly a third below the highest levels recorded in the early 1990s. But there's bad news, too: With the country's economic downturn, the ranks of the uninsured have swelled, as more Americans lose their jobs, and employers cut health benefits. According to the Census Bureau, 50.7 million Americans lack health coverage, comprising 16.7% of the population, an increase from 15.4% the year before..*

## **NACVCB Officer & Board Candidates Announced**

*The Association holds its annual election at this year's conference for its five officers and for four positions on its Board of Directors. Our Nominating Committee has reviewed the qualifications of candidates who submitted their names for consideration, and has developed a slate to recommend to the membership when it votes at the Business Meeting on September 29, beginning at 5:15 p.m. Here are the recommended candidates:*

**President:** Shawanda Reynolds-Cobb (Georgia)  
**1st Vice President:** Gene McCleskey (Texas)  
**2nd Vice President:** Cletus Nnanabu (Washington)  
**Treasurer:** George Gutierrez (Idaho)  
**Secretary:** Ethel Douglas Ford (South Carolina)  
**Board of Directors:** Gary Scheller (Utah), Janelle Melohn (Iowa), Rebecca Shaw (Oregon), and Julie Nauman (California).

*Nominations also may be considered from the floor at the Business Meeting.*

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

# 45 Years of Crime Victim Compensation in America: A Brief Chronology

**1965**

California creates the first victim compensation program in the United States. In fact it is the first victim service program of any kind in the U.S.; it won't be until 1972 that the first victim assistance programs are established. (New Zealand implemented the world's first crime victim compensation program in 1963, followed by England in 1964. Today, many European countries, a few Asian nations, Canada and Australia also provide financial help to victims.)

**1970**

By 1970, five additional compensation programs are established: New York, Hawaii, Massachusetts, Maryland, and the Virgin Islands.

**1975**

There are a total of 14 victim compensation programs in the U.S. by the end of 1975: Alaska, New Jersey, Rhode Island, Illinois, Minnesota, Washington state, Delaware, and North Dakota have created programs.

**1977**

The National Association of Crime Victim Compensation Boards is organized by the existing 22 compensation programs to promote a nationwide network to share successful strategies and new ideas, and to combine forces on mutual interests..

**1980**

By the end of the decade, there are 29 state victim compensation programs, with Texas as the latest in 1980. NACVCB holds its fourth annual conference, in Philadelphia. Discussions take place on proposed federal legislation to provide funds to support state victim compensation and assistance.

**1984**

A bipartisan coalition in Congress enacts the Victims of Crime Act (VOCA). State compensation programs will get grants equal to 35% of their state payout, beginning in federal fiscal year 1986. VOCA requires states to cover domestic violence and drunk driving, and compensate victims of federal crimes; each state also agrees to cover other states' residents for crimes committed within the state. There are 39 victim compensation programs already operating

entirely on state funds when VOCA is enacted. The first grants go to states in 1986, when 43 programs have been created.

**1988**

The Office for Victims of Crime in the U.S. Department of Justice provides its first grant to this Association, enabling it to set up an office with an executive director in Washington, D.C. The grants also support annual national training conferences, allowing states to send more managers and staff, and attendance triples within two years. NACVCB quickly works to persuade Congress to raise the grant percentage from 35% to 40% of state payout. (Continued efforts will get it raised to 60% in 2003.)

**1992**

Fourteen more states create compensation programs in the years immediately following VOCA's passage. Maine becomes the final state to set up a program when its legislature acts in 1992. States struggle fiscally to handle a rising tide of claims as violent crime reaches record levels in the early 90s.

**1996**

NACVCB's efforts succeed in getting Congress to affirm that state compensation programs are last payers in relationship to federal programs like Medicaid, Social Security, the Veterans Administration, IHS, and military insurance. NACVCB publishes *Program Standards* as an aid to states.

**2001**

State compensation programs respond to the worst mass violence in American history. Ultimately, an unprecedented federal compensation program just for 9/11 victims is created. NACVCB revises its *Mass Violence Protocol*, first written in the aftermath of the Columbine High School attack and the bombing of the federal building in Oklahoma City.

**2010**

Total compensation benefits paid reach nearly \$500 million, almost five times more than what was awarded in 1986, when the first VOCA grants were issued. Fifty state compensation programs meet in Chicago, with support from OVC, to share new ideas and strategies for the future.

# Conference Tracks

While each session at our conference should be useful to everyone working within a victim compensation program, certain workshops are designed to appeal to some specific jobs within those programs. The following is a brief guide intended to help participants choose the best workshops for them.

## *For Managers . . .*

Tuesday's management-oriented sessions include the *Hope III* discussion at 10:30 with representatives of the organizations tasked with developing a blueprint for action for the victims field. Managers will want to know more about how the project's recommendations may affect their programs. *Managing the New Workforce* at 1:30 also should be of interest to all supervisors of personnel, and managers of *Large-State Programs* have an afternoon roundtable. Learn more about *International Compensation* at 3:30. The "Management Track" takes off on Wednesday. For 3 hours in the morning, *Modern Management Techniques* are discussed, focused on how to retain and motivate staff. In the afternoon, *Business Process Analysis* is the topic, with an expert in the field joining in a discussion with compensation program managers who have applied it to streamline their programs. *Setting Up a Restitution Recovery Program* also is on the agenda, along with an *Outreach* discussion. On Thursday, *VOCA Grant Financial Management* and *Forecasting and Budgeting* are the sessions specifically geared toward program managers. For those involved in operating a *Forensic-Exam Payment* procedure, a roundtable on challenges in that area will be held. Serving specialized populations — *Native Americans*, victims of *Human Trafficking*, and of *Cyberbullying and Sexting* — also will be discussed. We end Thursday with a comprehensive symposium on what makes a *Modern Compensation Program* "state of the art" in 2010 — what benefits, procedures, operational features, technology, and funding ideas are the most advanced?

## *For Claims Processors . . .*

Claims processing is at the heart of the work of compensation programs, and sessions devoted to these important people are set throughout the conference. Note that many "topical" workshops should be of benefit and interest, to build an understanding of the victims with whom you work: On Tuesday, *Child Pornography* and *Sexual Assault Victims* are discussed by leading experts; families of *Homicide* victims are the subject of a workshop on Wednesday; and on Thursday, *Native Americans*, victims of *Human Trafficking*, and *Cyberbullying and Sexting* are covered. But more specialized discussions for claims processors also are planned. *Contributory Conduct* presentations and case discussions on Tuesday afternoon and Wednesday morning address one of the most troublesome parts of claim analysis.

We've got a major *Claims Processors' Challenges* roundtable on Wednesday afternoon that requires your active participation. Learn about understanding *Medical Claims* on Wednesday morning, and *Dental Claims* on Thursday morning. Check your *Cultural Competency* in a discussion on Thursday morning, and join in the *Modern Compensation Program* symposium that afternoon.

## 45 Years Of Crime Victim Compensation

## *For Board Members . . .*

There's no one more important than a Board Member in states where they make final decisions. The *Board Members Roundtable* on Tuesday morning starts things off by opening the floor to a frank discussion of current challenges. You'll want to make sure to attend one of the *Contributory Conduct* discussions on Tuesday afternoon and Wednesday morning, since you're frequently called on to assess victims' behavior in determining eligibility. A family member of a *Homicide* victim speaks on Wednesday morning and at our luncheon that day. And in each time slot throughout the conference, you'll find something to engage your mind and test your thinking on the wide range of issues you face in being the "decider" for your program.

# The Status of Crime Victim Compensation After 45 Years

In 2010, 45 years after the first compensation program was created, state governments are serving an ever-increasing number of victims with larger amounts of benefits than ever before. Despite a substantial decline in violent crime--a 34% drop since 1993--applications and payouts continue to grow in most states. The national total of awards is at record-high levels, and programs are adding new compensable costs and expanding outreach to ensure that more victims' needs are recognized and met.

Crime victim compensation is the oldest type of organized victim assistance in the United States. The first compensation program was created in California in 1965, and nine states were operating such programs by 1972, when the earliest programs providing other direct victim assistance were established. Today, compensation programs in all jurisdictions are paying out close to \$500 million annually to more than 200,000 victims. Fittingly, most of this money comes from offenders rather than tax dollars, since a large majority of states fund their programs entirely through fees and fines charged against those convicted of crime. Federal grants to compensation programs, providing about 35% of the money for payments to victims, also come solely from offender fines and fees.

Victims of assault comprise about half of the claimants for compensation, with more than a third of those claims being paid to domestic violence victims. Child sexual abuse victims comprise 20% of the victims helped by compensation programs. About 10% of benefits overall are paid to families of homicide victims, and 8% goes toward sexual assault victims.

Compensation programs can pay for a wide variety of expenses and losses related to criminal injury and homicide. Beyond medical care, mental health treatment, funerals, and lost wages, a number of programs also cover crime-scene cleanup, travel costs to receive treatment, moving expenses, and the cost of housekeeping and child care. And states continue to work with victims and advocates to find new ways to help victims with more of the costs of recovery.

## *Program Characteristics*

California is the largest program in the country, with Texas close behind; California paid out \$89 million to or on behalf of victims in fiscal year 2009, and Texas awarded \$81.5 million. The median annual payout per state is about \$3.3 million (half the states pay a total less than that, and half pay more), but the range is considerable, with 10 of the smallest states paying less than \$1 million annually, and 13 of the largest paying more than \$10 million.

Staff sizes tend to be quite small, with half the states operating with less than a dozen people, and only a dozen employing more than 25.

The programs function within a variety of governmental settings. Nearly a third are affiliated with attorneys general or departments of justice, and another fifth function within departments of public safety or criminal justice planning. Six are independent agencies; workers' compensation bureaus house three of the programs; and other affiliations include corrections departments, social services agencies, claims courts, and finance and management departments.

Most programs process claims through a staff centralized in the state capital, but a few states have branch or regional offices. Some make use of locally based individuals in victim witness and service programs to perform preliminary work on applications, such as gathering police reports and other documents. Colorado and Arizona are unique in operating compensation programs through local prosecutors' offices. Twenty-two compensation boards in Colorado (one for each district) and 15 boards in Arizona (one in each county) adjudicate claims under state law and coordination.

Decision-making authority varies from state to state. Thirty-three states use managerial and/or claims-processing staff to make decisions. Eleven states have part-time boards or commissions to determine eligibility, and in another seven, decision-making is shared between a board and the program staff (claims over a certain dollar amount, for example, go to the boards in some states.) Claims courts make awards in two states.

## 45 Years Of Crime Victim Compensation

## ***Funding***

Programs obtain their funding from a number of different sources, but the states can be divided into two basic categories: those that receive the bulk of their funding from fees or charges that offenders pay, and those that depend on appropriations from general revenue. More than four-fifths of the states are in the first category, gaining their income from offenders; in fact, in a large majority of states, no tax dollars are involved at all in either the administration of the program or in the awards given to victims.

The types and level of offender assessments vary somewhat from state to state. Many states require that offenders pay a set penalty or fee, such as \$50 per felony and \$25 per misdemeanor, into a crime victim compensation fund. Other states will take a certain percentage of the offender's fine, or place a surcharge upon that fine, and use it for compensation funding. Some states also gain income from wages that inmates earn in prison industries, and a few get monthly fees from offenders on probation or parole.

**Fund Recovery.** Because offenders and others liable for injury to victims should pay for the consequences of crime, and because programs need to make the most of the resources available for compensation, "fund recovery" has become an important concern for many programs. Some are aggressively seeking restitution from offenders by working with prosecutors and judges to ensure restitution orders are sought and issued, and by monitoring payment through appropriate channels. While for most programs fund recovery is a minor source of total income, some programs are beginning to recover more than 10% of their awards.

**VOCA.** Federal funds provide about 30% of the state compensation programs' total budgets, through grants authorized by the Victims of Crime Act of 1984 (VOCA). Under VOCA, for every \$100 a state awards to victims, it gets \$60 in federal funds to spend; this results in an approximate 63% to 37% split in state-federal dollars awarded each year (of every \$160 paid to victims, \$100 is state money and \$60 is federal funding). But states also must bear all or nearly all of the administrative costs for operating their programs, since only 5% of each state's VOCA grant is available for administrative purposes. While the large majority of funds spent in operating the programs and paying victims comes from state budgets, VOCA grants have enabled many states to expand coverage, and they make a significant difference in ensuring that there is enough money available to cover all eligible victims that may apply. VOCA grants will provide about \$200 million to state compensation programs in federal fiscal year 2010.

To be eligible for a federal grant, certain conditions must be met. Programs must cover medical expenses, mental health counseling, and lost wages for victims, as

well as funeral expenses and lost support for families of homicide victims. They must consider drunk driving and domestic violence as compensable crimes, and must not categorically exclude domestic violence victims on the basis of their being related to or living with the offender. (Programs may deny claims when an award to the victim would unjustly enrich the offender.) Programs must agree to consider for eligibility all U.S. citizens who are victims of crimes within their states, regardless of the residency of the victim. Each state also must offer benefits to its own residents who are victimized in states without compensation programs, but since all states currently have viable programs offering eligibility to non-residents, this is no longer a real concern. Programs also must cover their own residents who are victims of terrorism in foreign countries. Finally, programs must cover crimes falling under federal jurisdiction within the states, such as crimes occurring on Indian reservations, National Park lands, or military bases.

## ***Eligibility Requirements***

While eligibility requirements vary somewhat from state to state, all programs have the same basic criteria. The victim generally must:

- Report the crime promptly to law enforcement (many states have a 72-hour standard, but nearly all states have "good cause" exceptions applied liberally to children, incapacitated victims, and in other special circumstances);
- Cooperate with police and prosecutors in the investigation and prosecution of the case (again, some states can make exceptions);
- Submit a timely application to the compensation program (generally one year from the date of the crime, though a number of states have longer time frames, and most can waive these requirements when appropriate) and provide other information as requested by the program;
- Have a cost or loss not covered by insurance or some other readily available "collateral source"; and
- Be innocent of criminal activity or significant misconduct that caused or contributed to the victim's injury or death. (The eligibility of family members in homicides and other crimes depends on the behavior of the victim.)

Apprehension and/or conviction of a perpetrator is not a prerequisite to receiving compensation.

About half the states cover their residents who are victimized in countries outside the U.S. (this is a matter of state law). States generally will accept claims from foreign nationals who become victims in the U.S., regardless of their immigrant or tourist status.

A few states have loosened eligibility requirements considerably, and do not report serious consequences or changes to their operations or claims statistics as a re-

sult. Both California and Texas, the nation's two largest programs, have no specified time limit within which a victim must report the crime. The victim need only report the crime within a "reasonable" period of time. Utah, Vermont and Wyoming also have this "reasonable" reporting standard. Utah and Vermont do not have a definite filing period that victims must meet, either. Washington state has a one-year reporting requirement; in New Jersey it is 90 days; in Minnesota, 30 days; and in New Mexico, the regular 30-day reporting requirement is extended to 180 days for victims of domestic violence and sexual assault.

## ***Benefits***

All compensation programs cover the same major types of expenses, though their specific limits may vary. The primary compensable costs covered by all states are the following:

- Medical expenses;
- Mental health counseling;
- Lost wages for victims unable to work because of crime-related injury;
- Lost support for dependents of homicide victims; and
- Funeral expenses.

Nationally, fees to hospitals, doctors and therapists comprise just over half of the amounts paid. Lost wage and support payments are the next largest expense category, at 15%; and funeral and burial costs account for 10% of all benefits paid.

In addition, a number of other costs are paid for by some, but not all, programs, including the following:

- Moving or relocation expenses, limited in some states only to instances where the victim is in imminent physical danger, or if the move is necessary because of severe emotional trauma;
- Transportation to medical providers, which may be limited to occasions when the provider is located in a place distant from the victim's residence, or when other special circumstances exist;
- Replacement services for work the victim is unable to perform because of crime-related injury (primarily child care and housekeeping), sometimes limited to payments to non-family members;
- Crime-scene cleanup, or the cost of securing a home or restoring it to its pre-crime condition;
- Rehabilitation, which may include physical therapy and/or job therapy;
- Modifications to homes or vehicles for paralyzed victims; and
- Fees for attorneys who help victims apply, usually in limited amounts and sometimes only for appeals.
- Lost support from offenders in domestic violence cases who are no longer providing that support.

Personal property stolen, lost or damaged during the crime is not covered, with just a few very limited exceptions in states like Florida, New Jersey, New York and Pennsylvania.

## ***Maximums and Limits***

Maximum benefits available to victims from the states average \$25,000, with 15 states offering a higher amount. A growing trend is for states to offer additional benefits either in homicides or in "catastrophic injury" cases, usually defined as total and permanent disability. Sixteen states now offer some type of additional benefit, ranging from an extra \$5,000 in homicide cases in North Carolina, to a \$125,000 maximum for catastrophic injuries in Texas. Lower limits on some specific compensable expenses, like funerals and mental health counseling, are standard in many states.

## ***Collateral Resources***

All compensation programs are "payers of last resort." This means that any other "collateral" sources of payment to the victim, such as medical or auto insurance, employee benefit programs, Social Security, and Medicaid, must be accessed first before the programs will consider payment. Since restitution, if paid at all, is often received over a long period of time, compensation programs usually will pay in advance rather than force the victim to wait to receive restitution.

In addition, if the victim recovers any money from the offender or any other party liable for the victim's expenses, the compensation program must be paid back for that portion of the expenses which the program has covered, unless the victim's total out-of-pocket losses exceed the amount both paid by the program and recovered from another source.

## ***Outreach and Awareness***

Compensation programs depend largely on professionals in law enforcement and victim services to tell victims about the financial assistance opportunities available to them. Providing this information is the responsibility of everyone who works with victims; in fact, for VOCA-funded assistance programs, it is a condition for receiving a federal grant. In some states, police are required by victims rights statutes and constitutional amendments to supply this information.

Compensation programs provide ongoing training and information to police, advocates, and service providers, and some also try to reach the general public through posters, PSAs, and community contacts. Every state now has a Web site to improve awareness and provide basic information. A few have begun using Web training, and California now employs Facebook and YouTube to help get the message out.