

Crime Victim Compensation

QUARTERLY

Issue #1

2011

National Crime Victims Rights Week Honors Past, Looks to Future

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Did you know that the first victim service program in the U.S. was a victim compensation program? California's program began operation in 1965, predating the first organized victim assistance program by seven years. So as advocates, government officials, and workers in victim services across the country are "Honoring the Past" during National Crime Victims' Rights Week this year, it's with pride that we note that victim compensation programs led the way in the growth of victim services in this nation.

Victim compensation programs also are "Reshaping the Future," as they strive to work more closely with their colleagues in other types of victim assistance programs to reach out and spread the word about financial-assistance opportunities; to find better ways to process claims promptly and accurately; and to establish more secure funding to ensure benefits will help victims in future years.

Some of these "transformative" ideas are highlighted in this issue of the Quarterly.

What if programs could process claims more efficiently by enlisting the help of people who work directly with victims?

Is it possible to establish a source of funding that will guarantee all the money you need to compensate victims?

In the "Internet Era," can programs add "social networking" tools to more traditional methods for outreach, training, and communication?

Victim compensation professionals also are discussing the future with a broad spectrum of representatives of the victims movement, as the Office for Victims of

Crime moves forward with its "Vision 21" project. Four grants have been awarded to look at different aspects of the victims field, including emerging challenges, enduring challenges, building capacity, and the role of the victims field in responding

to crime and delinquency. The work on these issues will be brought together in a final document, scheduled for release by the end of the year. Several compensation program directors have been involved in "stakeholder meetings" called by the grantees to discuss this project, and our Association will be a part of the final "forum" pulling all these strands together in September. We all look forward to this important work, that will help create a blueprint for the future.

Reshaping the Future,
Honoring the Past

National Crime
Victims' Rights Week,
April 10-16, 2011

The theme for National Crime Victims' Rights Week this year, "Reshaping the Future, Honoring the Past," makes me think about all the people who have made a difference in the development of victim services throughout the country. I'm grateful to those individuals who pioneered the victims field — who managed the first victim compensation programs, opened the earliest battered-women shelters, and started the initial victim-witness programs in prosecutors' offices. There were people with extraordinary vision who worked in state legislatures and the halls of Congress to create programs and establish funding for the programs we operate today. In the early years, the victims' movement was powered by dedicated grassroots activists, some of whom had been victims themselves. And there were many who came after them, who had to meet the challenges of sustaining and advancing programs that would make a powerful difference in the lives of victims.

I remember many people who served as my mentors when I began working in victim compensation and became involved in this Association. I learned so many things from them, and I saw what an organization of professionals could mean in terms of sharing ideas and strategies, and improving our programs. We stand on their shoulders today, and during Crime Victims Rights Week we salute their devotion and achievement when we "honor the past."

But this year's theme also recognizes that

there is much more that needs to be done. How can we "transform" our future to provide better services to victims? What are the challenges that we must address to keep our field moving forward? How can we share ideas and strategies to ensure that all of us gain from the wisdom and experience not only of the past, but also of the people who are developing new ways to advance rights and services for victims?

President's Message from Shawanda Reynolds-Cobb

I know our Association can play a major role in "transforming the future." Our goal is to help you improve your program performance, and we believe that working together, we can all help each other make progress. We highlight new ideas and techniques, and we assist our members on an ongoing basis with information and technical assistance to meet their current needs. We've got two Regional Con-

ferences this Spring, in St. Petersburg and Portland, Oregon, where solutions to today's most pressing problems will be considered. And we're deep into planning our National Training Conference in the fall in Long Beach, where we'll address the future together with our colleagues in VOCA assistance and at OVC.

We can be stronger if we face our challenges together. With your active participation, we will continue to make transformative changes that have a real impact for victims, and make the future brighter than ever. Happy Crime Victims' Week!

— Shawanda Reynolds-Cobb

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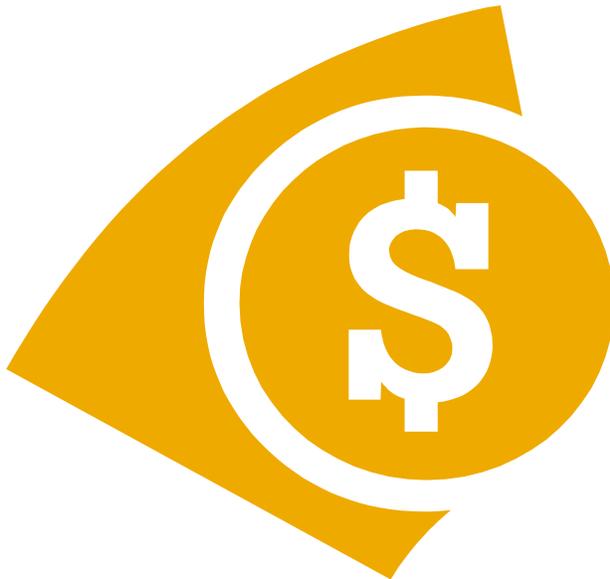
2011 VOCA Cap Same as 2010 As Congress Adopts “CR”

Compensation Grants Secure at 60% of State-Dollar Payout

The FY 2011 VOCA spending cap imposed by Congress will remain at last year’s \$705 million, as the federal government finally settled on a budget for the year. Compensation grants to states will remain at 60% of state payout (calculated on each state’s federal FY 2009 payout of state-funded awards).

But when the grant process will begin remains uncertain. Within the cap, there is some discretion given in determining the level of funding for victim-witness positions within the U.S. Attorneys’ offices and the FBI field offices. Until those numbers are finalized, OVC can’t move forward with grants for VOCA assistance, since those grants depend on how much is left within the cap after all other needs are met. So it still may be some time before the grant application process begins.

And the budget process for FY 2012 has just begun, with the President’s budget calling for a substantial increase in the VOCA cap, with \$135 million in new funds set aside for DV and rape victims.



National Crime Victims’ Rights Week Awards

In Washington, D.C., Attorney General Eric Holder presented national awards to the following individuals and programs:

Sarah Deer, of Minnesota and Oklahoma, for her work with Native American victims of sexual violence; **FBI Director Robert Mueller**, for establishing the Office of Victim Assistance within his agency, and for prioritizing victims in the work of the Bureau; the **House of Ruth** in Maryland, which provides comprehensive services to domestic violence victims and their families; **Nicole Robinson**, of Clinton, Maryland, a victim of identity theft who has worked tirelessly to educate and help other victims of this crime; Arizona Judge **Ronald Reinstein**, who helped create a state Victims Bill of Rights; **Pamela McCarter** of York, Pennsylvania, who does volunteer work on behalf of human trafficking victims; **Brooks Douglas**, currently of Malibu, California, who as a child in Oklahoma witnessed the murder of his parents, and went on to pass victims’ laws as a state legislator there; **Charlotte Moerbe**, for her work as a sexual assault response coordinator at the Air Force base in Lackland, Texas; the **Elder Abuse Forensic Center** of Orange County, California, for dedicated advocacy on behalf of senior victims; and the **Financial Litigation Unit in the U.S. Attorney’s Office for the Eastern District of Texas**, for their successes in collecting fines from offenders, which go directly into the VOCA Crime Victims Fund.

More information about award recipients can be found at <https://ovcnvrvw.ncjrs.gov/Awards/AwardGallery/gallerysearch.html>

National Training Conference 2011

Our annual training conference will be in Long Beach, California, September 19-22, in conjunction with the National Association of VOCA Assistance Administrators, and with the support of the Office for Victims of Crime. See you there!

Shaping the Future of Victim Compensation: Funding

Goal: To establish secure and sufficient funding to pay all future claims and to expand benefits to meet more victims' needs.

Problem: Most compensation programs say that they have just enough money now to pay current claims at current levels. But they face rising costs and increasing claims, and many report decreasing revenues from traditional sources. And there's the looming specter of state legislatures diverting compensation funding for other state-government purposes — something that has happened in more than a few states. So program managers are nervous about whether they'll have sufficient funds in the future, and programs generally are reluctant or unable to expand benefits to meet more needs, in the face of these funding declines and uncertainties.

Shaping Victim Compensation for the Future: Funding

Potential Solutions: Explore new funding sources.

Most compensation programs rely on offender fees or assessments tacked on to criminal fines: \$15 per misdemeanor, \$25 per felony, for example. Historically, these mechanisms generally have worked quite well, providing a secure and separate funding source immune from the vagaries of general-revenue appropriations each year. (And the few programs that do rely solely on annual appropriations are the ones that have faced the most serious funding issues.) While some programs have found they needed more funds over the years, they simply could ask to get their fee bumped up, from \$15 to \$25 per misdemeanor, for example.

But revenues are declining, perhaps because of a drop in the crime rate (fewer crimes mean fewer people to pay into the fund); or because the decline in the economy leads judges and officials to order or enforce fees and fines less rigorously.

There are some intriguing and unusual ways that some programs are using to obtain more funds:

Oregon now gets a substantial amount of its funding from a share of punitive damages in civil suits.

Georgia gets a \$30 parole supervision fee and a \$9 probation fee monthly on each parolee and probationer.

Utah receives 35% of all fines, fees, forfeitures, and surcharges.

Iowa gets income from a \$100 civil penalty charged for license reinstatement in each DUI offense; and a number of programs reach into moving-traffic violations for small fees that provide substantial revenue because of the large number of such violations, and the ability and motivation of offenders to pay to keep their licenses.

And a growing number of programs are increasing their revenue-recovery efforts, hiring new restitution staff and becoming more aggressive in going after offenders.

Shaping the Future of Victim Compensation: Processing

Goal: To develop ways to process claims promptly and as accurately as possible.

Problem: Efficient claims processing is a goal of all compensation programs, but they face daunting challenges in doing this difficult work. Victims may submit incomplete claims, or abandon them when asked for more information; police reports may be slow in arriving, and contain insufficient information when they do; documentation necessary to support expenses may be missing or difficult to access. And because compensation staff is located centrally in a state capitol (except in a few states), contact with the victim may be difficult, and working with police departments in remote, rural locations isn't always easy. And programs field constant inquiries from victims and service providers about claims status — inquiries that slow the work that needs to get done.

Shaping Victim Compensation for the Future: Process

Potential Solutions: Explore new avenues in overcoming processing challenges.

One of the more “transformative” developments in how programs process claims is the enlistment of allied professionals in victim service programs to perform much of the work in consulting with the victim and gathering documentation. There are states that say they get a majority of their claims “complete” or “perfected,” with police reports attached, medical bills and reports included, collateral sources shown. “It takes us just a few days to process these complete claims,” some programs say.

Obviously, significant time may be spent by advocates in the field doing that initial “processing” work on behalf of compensation staff. But as compensation programs face staff shortages and cutbacks, many welcome the participation of people at the local level — who also may be better able to quickly access necessary reports from local police and providers, working with a victim they’ve established a direct relationship with.

At least one program allows advocates to file claims directly into the program’s claims database, removing the need to key in claims — the file is set up through the advocate’s work. Only advocates who have been trained to do this are allowed access to file claims electronically.

Other relatively new developments:

Some programs post claims status on the Web (securely), so that providers and victims can see the progress of a claim without making interruptive calls.

And the “paperless system” of processing claims continues to grow in popularity, allowing staff to work on claims in unison without being tied to paper files; and even to work from home if the claims management system is on the Web.

Shaping the Future of Victim Compensation: Outreach

Goal: To find new ways to reach more victims, and to communicate with partners in victim services and law enforcement.

Problem: It's a constant struggle: Ensuring that as many victims as possible learn about the opportunity to apply for crime victim compensation. But naturally enough, most victims have no idea that a victim compensation program exists before their need for it arises, and small-staffed compensation programs in state capitals rely almost entirely on colleagues in victims services and law enforcement in places hundreds of miles away, who work daily with victims, to get the word out. In the meantime, more and more of the population, particularly young people who are most vulnerable to crime, organize their lives around, and get their information from, their communication devices, making extensive use of social-networking options.

Shaping Victim Compensation for the Future: Outreach

Potential Solutions: Explore new strategies to reach victims, train advocates, and communicate with colleagues.

Pennsylvania's Victim Compensation Assistance Program makes extensive use of interactive Webinars to train victim advocates. The costs are low — a small portion of a state contract with a Webinar service (less than \$4,000 a year), plus there are substantial savings in time and travel of program staff who can do these trainings from their own office. And people in the field in victim services also save time and money.

What about the new "social networking" media? Facebook, Twitter, Youtube, Flickr? If more and more of the population rely on these and similar means to get information and to communicate, can compensation programs take advantage of these new tools?

The California Victim Compensation Program makes extensive use of new media. Links on its Website (www.vcpcb.ca.gov) connect victims with the program's Facebook page, where news and information are posted daily, and "friends" have an opportunity to share ideas and thoughts. There are connections to numerous other formal and informal groups of service providers, first responders, and other "virtual communities" who use Facebook to communicate. The program can use Facebook to communicate rule and benefit changes, to engage in conversations with stakeholders, and respond to criticism as well. Twitter is used regularly; for example, the program let people know instantly that the governor had declared victims a priority during a Victims Rights Week event. And the program's YouTube account has training and awareness videos readily available. Finally, Flickr is used for sharing photos relevant to program work.

Programs Share Views on Issues

The Association often asks its Advisory Board or general membership for opinions on important issues. Here's a couple recent questions:

Hospitals Reversing Write-offs

A program manager posed this problem: the victim is informed that the hospital has written the bill off, or the program discovers this when it calls the hospital to confirm the bill. The hospital subsequently reverses the write-off and bills the victim, once it knows that a compensation program potentially could pay.

"We tell a hospital it can't back off from a write-off. We consider reimbursement for what the PATIENT was charged."

"This frequently happens . . . We DO NOT PAY if we have documentation that the hospital wrote off or reduced some of the balance. . . . If the victim continues to get billed, we make a call to the provider explaining our position."

"We are a payer of last resort, and they can't reactivate a bill they have written off, just to find a way for us to pay it. That reactivation would be a type of fraud upon the program."

"This has happened to us numerous times. If at the time the staff is completing the file and they are told it was written off, then we obviously don't consider the bill. If at a later date the hospital, or other provider, then informs us that they are reactivating the bill, we have required that we get something in writing from their accounting department showing that the bill is now due. What I have been told is that this is very difficult for the accounting department to manage. Depending on the time frame involved, if they have written it off, to reactivate it is very problematic for them. Often times they then drop the request for payment."

This clearly was the majority position among respondents. However, there were some that pointed out that the situation might be more complex.

"Debt written off truly for tax purposes as a bad debt does not become a debt not owed to the biller, according to our legal counsel. It's just a reduction for tax purposes for the biller. They can always collect that debt. If the bill is reinstated because we have a filing and they are billing the patient, then we have to pay."

"If they don't qualify for charity care, and a bill is sent to the victim, then we would pay our customary rate (50%). This doesn't happen here too often, because bad debts go to a collection agency first rather than being written off. The debt may be off the hospital's

books, but the collection agency is still trying to collect, and thus, it is still an obligation owed by the victim."

And of course programs had concern for the victim: "We don't think it fair to the victims nor to the program. However, we will pay the bill since the victim is being held responsible."

"This happens to us quite frequently, at least it did before the new law went into effect in our state addressing [mandating] discounts for uninsured patients. We would try to speak with the hospital and tell them that they could not rescind a 'written off' bill just because the victim is eligible for crime victims. Occasionally, we would get the hospital to agree and they would again write off the bill. However, if the hospital insisted that the claimant owed that amount, we would pay the bill. We did this because a "write off" is a hospital policy, not dictated by law, and we didn't think we had legal standing to insist that the hospital write off a bill."

Factoring in Life Insurance

A program wanted to know if others had any idea what the fiscal impact would be of removing the requirement that life insurance be used as a collateral resource.

Some managers responded that the impact couldn't be much, since most homicide victims applying for benefits don't have life insurance. In terms of a dollar amount, one program said that out of more than 500 homicide claims, only 24 weren't awarded because the life insurance reduced the claim (this is a program that reduces only for life insurance above \$25,000).

One program said it saw little fiscal impact when it altered its policy from counting all life insurance against an award. Now it exempts life insurance completely when paying funeral expenses, and ignores up to \$50,000 in determining loss of support (anything over that amount is a collateral source for loss of support and medical expenses). "In most of the cases we see, the victim did not have life insurance in the first place, so the additional cost was not that much of a burden. The \$50,000 threshold has worked nicely for us in loss of support cases and the removal of any loss of support for burial was an excellent change. As an aside, we are depending on the honesty of the claimant to tell us about life insurance in the first place since there is really no way to confirm if someone had a life insurance policy. Looking at life insurance as a collateral source really penalizes honesty and we found, prior to changing our law, that we were forced to deny claims we really, really, really wanted to award! I would do it all over again without hesitation. That was the best change we ever made to this program."

*National Association of
Crime Victim Compensation Boards*

Training Calendar

2011

We're eagerly anticipating our National Training Conference in September and two Regional Conferences this Spring.

The National Training Conference agenda will be sent to all programs as soon as possible.

Southern-Eastern Regional
St. Petersburg, Florida
May 2-4, 2011

Western Regional
Portland, Oregon
May 10-13, 2011

National Training Conference
Long Beach, California
September 19 – 22, 2011