The 2011 National Conference in Long Beach brought close to 250 managers and staff from the nation’s compensation and VOCA assistance agencies to share ideas and strategies on a wide variety of issues. Sponsored by the Office for Victims of Crime in the U.S. Department of Justice, and implemented both by the National Association of Crime Victim Compensation Boards and the National Association of VOCA Assistance Administrators, the conference had representatives from all 50 states, D.C., and the territories. California’s Victim Compensation and Government Claims Board played a major role not only in helping host the conference, but also in sharing its expertise on a number of subjects in general sessions and workshops.

The conference opened with a powerful presentation by survivors of the September 11th, 2001, terrorist attacks. They shared their experiences and emotions, and they expressed gratitude for the extensive efforts made by California’s compensation program to bring them together and provide support. Conferes then broke into sessions focused on the specific job responsibilities of people working in compensation programs and in VOCA assistance administration, or joined in a series of workshops that provided training on topics of importance to anyone working in the victims field. An emphasis on interaction and small-group discussion permeated all the sessions, and we relied on experienced facilitators and presenters from our own membership as well as subject-matter experts from outside.

Specific issues covered during the conference included customer service, process improvement, software developments, victims services in compensation programs, contributory conduct, cultural diversity, revenue recovery, new benefits, written policies and procedures, mental health counseling claims, dental claims, outreach, and compensation in Indian country. There were also sessions on lesbian and gay victims, elder-abuse victims, child victims of commercial sexual exploitation and human trafficking, and victims of gang violence. Engaging communities of color to provide better services and gain a better understanding of their experiences and needs also was the focus of several workshops.

Thanks to all our members for actively participating in the 2011 conference, and to OVC and California VCAP for their outstanding help and support!
I hope that those of you who attended our recent National Training Conference in Long Beach had a productive and enjoyable time. We’re very grateful for your active participation, and we appreciate the time and effort put into attending and making this conference one of our most successful. Thank you very much to Julie Nauman and all the staff at the California Victim Compensation Program who contributed so much to our agenda. The time we spent with the survivors of the 9/11 attacks was very special, and we’re grateful that they shared their experience with us. All of our workshop presenters and facilitators deserve our praise and thanks, too. We’ve set a high bar for our next national conference, but we’ll continue to try to improve this important gathering.

One of my goals as President is to increase the participation of our members in Association activities and decision making throughout the year, as well at our conferences. I think it’s crucial that all our members are informed about important issues and have an opportunity to be heard on the matters we face as an organization. That’s why we placed greater emphasis on our Business Meeting in Long Beach, and we’ll continue to use it as a forum for providing input and listening to your concerns. We’ve also recently activated two of our Association’s standing committees, the Membership Committee and the Legislation and Public Policy Committee, so we can continue to reach out and get input from you throughout the year. The Membership Committee will be looking at various ways we can improve our services and our technical assistance to our membership, through such means as our Website, our information exchanges and mentoring. Kristy Ring of New Mexico and Laura Banks Reed of D.C. have agreed to chair that committee. The Legislation and Public Policy Committee has been discussing proposed federal legislation that may impact compensation programs, as well as existing VOCA provisions and guidelines. We’re glad Gary Scheller of Utah is leading those efforts for us.

I wanted to note that as a result of the Vision 21 discussion in Long Beach, the Association’s officers immediately went to work to come up with recommendations for OVC to consider including in the report, which will become OVC’s blueprint for the future in victim services. We communicated directly with OVC Acting Director Joye Frost to urge that the report support increased VOCA funding for grants and administrative costs for both compensation and assistance programs; that the current deduction for restitution and subrogation recoveries be reviewed; and that OVC encourage and facilitate discussions between representatives of all types of victim service programs, including compensation. We hope that the final Vision 21 report reflects our concerns.

Again, thank you for your active support. We look forward to getting your input, and working with you on the many issues facing us.

—Shawanda Reynolds-Cobb

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Congress Repeats $705 million For FY 2012 VOCA Cap

Compensation Grants Secure at 60% of State-Dollar Payout

Congress has approved spending of $705 million for VOCA in federal fiscal year 2012, a repeat of the past year’s funding. Compensation grants to states in 2012 will remain at 60% of state payout, and assistance grants also are likely to be very close to last fiscal year’s levels.

VOCA spending will not be affected in 2012 by the across-the-board cuts triggered by the failure of the Congressional “supercommittee” to reach an agreement on debt reduction. Those cuts to federal spending don’t go into effect until FY 2013, but even then, VOCA’s dedicated funding source (federal criminal fines and fees, rather than tax revenue), and its status as a non-discretionary mandated spending program should save it from automatic cuts affecting other programs. Still, Congress has demonstrated that it can set the annual spending cap where it wishes, so looking past this year is difficult to do.

Having said that, the VOCA cap would have to be lowered by at least 25% before the amounts set aside for compensation grants under the statutory formula would be affected, and with strong bipartisan support for VOCA, this is very unlikely.

Transitions . . .

B.J. Riordan is retiring as director of the compensation program in the New Hampshire Department of Justice, after a long career both in that program and in other positions within the department. She was an active participant in the Association and we wish her well in her life’s next installment.

Cara Chambers now directs the Wyoming Attorney General’s Victim Services Division. Cara has been working as a contracts attorney for the A.G. for a number of years. Welcome, Cara! Julie Tennant-Caine has moved on to take a position as deputy administrator for the Department of Corrections. Julie served on our Board of Directors and attended many NACVCB conferences.

Joe McCarty now directs the Victim Compensation Program in the Oregon Department of Justice, after spending the last two years as a support service coordinator for the A.G.’s Victim Services Division. He previously was the security director for the Oregon State Hospital (a forensic mental hospital). We look forward to working with Joe. His predecessor, Rebecca Shaw is now managing an important restitution pilot project for the Division.

Gwen Roache Receives Distinguished Service Award

Florida’s Gwen Roache is the winner of the Association’s 2011 Distinguished Service Award. Gwen’s distinguished career saw her moving up the ladder to direct the compensation program in the Florida Attorney General’s Division of Victim Services, and she served on our Board of Directors as well. We thank her for her service to victims in Florida as well as to her colleagues in this Association. Gwen has announced that she’ll be retiring in 2012.
There has been a major shift in the way we communicate and the means by which we get our stories told. Digital communications have been unleashed. Water-cooler conversations have now been replaced by posts and tweets. Phone calls have become text messages. We don’t even use complete sentences, or words for that matter. LOL and OMG demonstrate our emotions and LTR is our good-bye. Welcome to the 2.0 world!

And while we would like to think it’s just the younger generation making the change, think again. Baby Boomers are keeping pace with the Gen X and Gen Y crowd in many respects. We are seeing print newspapers giving way to online editions, and blogs are now becoming required real estate. Facebook reaches over 750 million viewers, 50 percent who use it on a daily basis. There are more than 1,200 tweets every second. These numbers should astound any skeptic.

Digital communications are here to stay. For those that ask, “Why should we care?” the answer is simple. There is a conversation going on out there at the digital water cooler where ideas are being exchanged with or without your presence. They are talking about your organization and programs. You need to be a part of that conversation.

For many reasons, including security, government agencies seem to be lagging behind the private sector in implementing these new communication platforms. But here at California’s Victim Compensation Program (CalVCP), we recognized early on that digital media, especially social media, is one of the most effective methods for communicating and engaging with victims, stakeholders and other state organizations. It’s about being where your customers are.

Like many other victim compensation programs, CalVCP has a wide audience we communicate with on a daily basis, including: victims of crime, medical service providers, first responders, key government officials, sister state agencies, and the general public. Through a strategic use of social media such as Facebook, Twitter, YouTube and LinkedIn, we are able to reach many of these audiences in a nontraditional way.

But keep in mind, social media is not just about delivering a message; it is about getting the message as well. We solicit and welcome feedback from our audience. We encourage them to let us know how we are doing, whether a new program is working, or if they are receiving the help they need from a victim services program. Yes, there will be some negative comments, and while no one likes to hear it, that feedback is necessary in order to continue our expanding efforts to help victims of crime.

So how can you jump into this new age of communications if you haven’t already? To begin, we suggest mapping out a strategic plan that is focused on specific goals, including:

- Understanding who your audience will be
- Gathering specific valuable information that should be distributed
- Developing a model that will allow for two-way communications
- Creating a voice to be used in all communications
- Developing a plan to respond to the needs of the audience
- Measuring results.

Creating a plan and developing content are the first steps in “going social,” and building the platforms to use will be easier. If you’re not sure how to create a Facebook page or Twitter account, ask Google. There are many social media gurus out there that can help walk your organization through the process. It will be time well spent.

A social media effort should be added as an additional tool to your organization’s outreach plan and not be a substitute for all other outreach. During a time of tight budgets, however, social media can provide a much less costly way of conducting outreach. Once in place, time spent on social sites, in monitoring and discussion, is minimal.

Digital media just makes sense when it comes to cost efficiency and immediacy. We encourage you to visit our social media efforts at www.calvcp.ca.gov and replicate any of our programs for your own usage. If you would like a copy of our social media guidelines, please email us at publicaffairs@vcgcb.ca.gov. Your efforts to work in social media are sure to be well rewarded.
The Association asks its member programs for help on a wide variety of information and technical assistance requests. Sometimes we seek input from our officers and board of directors, which serve as an advisory board; other times, we run questions by all program managers. We’ve also begun using our NACVCB Blog, at www.nacvcb.org, to explore issues.

Below are some of the questions we’ve responded to in just the last few weeks. Let us know if you have a concern on which you’d like to get some thoughts from your colleagues—we’ll do our best to get you some feedback.

**Adult Survivors of Abuse?**

One of our member programs is considering widening eligibility parameters to include adult survivors of childhood sexual abuse, and wanted to know whether other states had found this to be a significant additional cost. The program’s current rule requires claims to be filed within 36 months of the crime, or in the case of child abuse, 36 months after the crime was reported to law enforcement or the Dept. of Human Services, but in no case after the victim’s 21st birthday.

Based on a prior survey, and discussions at conferences, we responded that while a large number of states said their rules were flexible enough to allow for coverage of adults claiming childhood abuse, none of them has reported more than a minimal cost in covering these victims’ needs, which generally involve counseling. Two states, Utah and Vermont, no longer have any filing limits at all; the filing limit in Texas doesn’t apply to child victims; California and Virginia can accept claims for childhood crimes up until age 28; and other states indicate a liberal approach to making “good-cause” exceptions for adult survivors. States said that even with these flexible requirements, few claims from adult survivors were filed. Utah, for example, handles a large quantity of sexual assault and child abuse cases (approximately 1,000 in each category), but says that less than 10 a year come from adult survivors. One reason for few claims from adult survivors may be that many programs also require a police report to be made, and some say eligibility would depend on some substantiation from law enforcement. In some cases, survivors are reluctant to report long-ago abuse; and even if they did, it may be very difficult to determine if anything happened. It’s important to note that states vary considerably, though, in how they approach these cases.

**Child Endangerment from a False Report? Kidnapping or Custody Dispute?**

Two separate questions about the compensability of claims for children came in, and neither seemed to lend themselves to a clear consensus of opinion from the Association’s advisors. In one, a police SWAT team responded in force after receiving a call that a home intruder was holding a family hostage. A young child was terrified when police burst into the home, and her mother filed for counseling benefits. Most of our advisors focused on whether the charge would be “filing a false report,” which likely would not be compensable, or something more serious, that could be the basis for a claim. One raised the issue of whether legitimate police action could result in a compensable injury; on the other hand, had there really been an intruder, police action resulting in a physical injury could be imputed to the more serious criminal activity, and thus be compensable. But this case seemed to lend itself to a variety of interpretations, and no clear consensus emerged.

In the other case, a parent sharing custody refused to return a child after a visit, requiring the other parent to incur expenses to retrieve the child in another state. Again, what was charged seemed to be important to our advisors. A few said they would regard this as a custodial dispute rather than a crime, and thus it would not be compensable by the program,
unless police charged something more serious, like kidnapping. One state said that “interference with custody” is a crime recently added under its state code, but it’s not compensable under the compensation law; still, under the right circumstances, it might be considered kidnapping by the program, even if not charged by police that way. But some states felt that the elements of a violent crime simply were not present, and there was no claim for emotional injury. Many respondents said that their programs did not cover travel costs to retrieve a child, which was the only expense at issue in the case.

Chiropractic Limits
A state was reconsidering its 30-session limit on chiropractic treatment for neck strain and 15-session limit on treatment for back strain, and sought input from our membership on their own limits. We found in a survey that a substantial majority of compensation programs had no limit other than their overall maximum on what could be spent on chiropractic treatment. Some did have limits: 25 sessions in Maine, for example; 20 in Missouri and New Mexico; and limits of $5,000 in Nevada and 6 months in New Hampshire. Some states stressed the need for a physician’s referral. California and Oregon both followed a policy of allowing 5 sessions without specific authorization; anything more requires a referral from a physician (or a doctor of osteopathy in Oregon).

The state making the inquiry reported back that it had decided to scrap its current session limits and go with a more simpler six-month limit.

Hospital Contracts
A member program facing a financial crunch wanted to find a speedy, non-statutory way to control medical costs. It asked the Association for information from those states that have used negotiated agreements or contracts with hospitals rather than legislatively imposed reductions, and we contacted several states that follow that approach. Alaska, Delaware, Hawaii, Virginia, and Wisconsin relayed to us their standard agreements/contracts, and the state making the inquiry is adapting them for its own use.

Relocation and Lost Support
Two inquiries relating to benefits for victims of domestic violence prompted us to survey our entire membership. One compensation program that is authorized to cover “civil legal expenses” wanted to know if any other state covered legal fees relating to divorce proceedings. We confirmed that only a few states can pay legal fees at all (other than for filing compensation applications), and none of them paid for attorneys in divorce proceedings. The second question led us to update our information on which states are covering either relocation or lost support from offenders in DV cases. We found 25 states that pay for relocation, (and most states don’t limit it to DV victims) with some also paying for utility hook-ups and a very limited amount of rent. And 13 states say they can compensate DV victims for support from offenders that is no longer being paid.

Definition of “Cooperation”
A program manager wanted to know what the federal definition of “cooperation with law enforcement” is, and we referred her to the current OVC Guidelines posted on the www.nacvcb.org website. The answer, essentially, is that there is no federal definition. All VOCA says is that “compensation programs must promote victim cooperation with the reasonable requests of law enforcement authorities.” But this does not mean compensation programs must require a report to law enforcement; VOCA Guidelines leave it up to each program to determine what cooperation is, according to “any criteria” the state chooses. The Guidelines only suggest several potential ways to satisfy the requirement, including merely submitting to a forensic exam. “State crime victim compensation programs maintain the authority and discretion to establish their own standards for victim cooperation with the reasonable requests of law enforcement.”

Potentially Eligible Victims?
A program manager sought guidance in determining how many violent crime victims in her state are potentially eligible for compensation. Out of all the crimes committed in a state, what percentage likely would be compensated if they filed?

This isn’t an easy question, but the Association has done some work on this, following the lead of a federally funded research study first published back in 1992. A very simple analysis can be done that takes into account three major factors that tend to determine whether compensation potentially could be paid to a victim of violent crime:

Is the victim injured? Studies show that most
violent crime victims don’t suffer injuries serious enough to warrant medical treatment or require time off from work. This is particularly true in the assault and robbery categories, which are the largest type of reported violent crime. (We can presume that all rape victims and child victims have suffered compensable injury, and all families in homicides are eligible.)

Is the victim insured? About 70% of crime victims are insured, so are unlikely to need much help with medical bills.

Is the victim culpable? A small but significant number of victims engaged in criminal activity that brought on their injury or death.

Put it all together, and it’s likely that only 10% of violent crime reports in a state potentially would result in (1) a compensable injury that is (2) not covered by insurance for (3) a victim not culpable for his own injury or demise.

Further information on this analysis is available from the Association.

**Mental Health Maximums**

A program manager wanted to know how other programs control the number of sessions sought by therapists for counseling victims. What rules are in place, and what documentation is required? We first sent her our list of the maximums for counseling in each state. Since the manager was interested in other states’ treatment plans, particularly any that were used to justify counseling beyond a certain initially allowable amount, we sent her some documentation in use in other states, and some links to what was available online from other programs.

**Claim Life**

“Do other states close a claim after a certain length of time, even if it is still active?” asked a program manager. We were able to provide results from a prior survey, which found that the overwhelming majority of states don’t have any “end time” for a claim, once it’s eligible. The claim remains open until the maximum is reached in most states. There are a few, however, that limit “supplemental” requests for benefits to a certain period of time: Florida and Missouri pay benefits only for 3 years from the time of the crime (with the exception of counseling for children, in Florida); Wyoming pays for 2 years for adults, 3 years for children; Oregon keeps a claim open for 3 years from an eligibility determination, or until a child’s 21st birthday; and Oklahoma closes a claim if there are 3 years of inactivity from the last Board action.

**Online Claims Status Lookup**

A program creating an online claims status lookup system asked for advice from other states with such systems. The specific question was what the best option would be for users to gain access to information about the status of the claim: (1) case number and last four numbers of the claimant’s Social Security number; (2) case number and an authentication code sent to the user; or (3) a user login and password system. We sent this question to those few states we’ve identified as having an online case-status system, and they provided details about how they approached user access.

**Outreach to Clergy**

“Any suggestions on how to start doing outreach to clergy?” a member program manager asked. We forwarded this question to two experienced outreach coordinators, who quickly responded with some ideas.

“We started by contacting the Ohio Alliance of Ministers and the Catholic Diocese and we went to their regional meetings,” wrote Kelli Grace of the Ohio AG’s office. Knowing that some victims disclose crimes to their spiritual leaders or turn to them for support, the program provided materials about domestic violence, child abuse, and sexual assault, as well as the compensation program. “We were invited to go to several churches, and we spoke to the congregation for just a few minutes. Facts about victims and our program were added to church newsletters or bulletins.” Ethel Ford of South Carolina described how her program uses 3 outreach offices around the state to reach out to clergy (as well as other key groups), participating in various events and providing materials to them. She noted that in some communities, funeral home directors also may be clergy. She also stressed that as with any contact group, it’s necessary to repeat these outreach efforts on a regular basis to remind people about services available.

The Association is grateful for the expert assistance of all of its members, who have proven their eagerness to help colleagues on these and many other questions. We’ve begun using the blog on our nacvcb.org Website to respond to some questions; check it out!
National Association of Crime Victim Compensation Boards

Training Calendar

2012

In Development:

National Training Conference
Tentative Site and Date:
Atlanta, October 15-18

NACVCB Regional Conferences
Southern-Eastern Regional
Western Regional
Spring 2012
Locations and dates soon to be determined