

# Crime Victim Compensation

## QUARTERLY

Issue #2

2013

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THE NATIONAL ASSOCIATION  
OF CRIME VICTIM  
COMPENSATION BOARDS

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## National Conference To Focus on Challenges and Uncertainty

This year's National Training Conference offers an agenda packed with sessions on current issues, with an aim toward preparing programs to meet the challenges and uncertainties facing them today. Sponsored by the Office for Victims of Crime, U.S. Department of Justice, close to 150 participants from compensation programs across the country are expected for three days of intense and lively discussions.

Joye Frost, recently named by President Obama as OVC director, will open our conference with a presentation on Vision 21, OVC's major initiative to design a philosophical and strategic framework to move the victim service field forward in the future. The agenda then moves to a series of workshops and roundtable discussions on a myriad of issues, with tracks on policy questions, management issues and techniques, and foundational principles for staff and decision makers.

Some of the policy questions to be addressed are:

- Preparing for and responding to mass violence
- Managing mental health claims according to the latest research on evidence-based treatment
- Modifying certain rules for domestic trafficking victims, in light of the exploitative nature of these crimes

- Coping with change under the Affordable Care Act, and dealing with other factors impacting claims and funding
- Creating a role for advocacy within a compensation program

Managers also will be able to choose from a variety of sessions on operational issues, including:

- Claims management software
- Techniques consultants use to analyze and modernize programs
- Considerations in managing a changing workforce, reflecting generational diversity
- Advances in restitution recovery
- Quality assurance in claims processing and decision making

- Forensic claim management
- Effective communication with those with limited language skills

Foundational sessions will be offered on victims rights in law and in the courts; cross-cultural communication; intimate partner violence; trauma, crisis, and self-care; and decision-making principles.

We're grateful for the help of the Oregon Department of Justice in hosting this conference. The Association has been holding a national conference since 1977.

With active participation from our membership, expert speakers, and OVC support, the 2013 Conference promises to be a great success!

National Conference 2013  
**Portland**  
Oregon  
September 11- 13

*I hope you are making plans to attend our National Conference in Portland, September 11-13. We have some excellent speakers lined up, and our workshops are designed to address a variety of important and current issues. Our conference will provide a great opportunity to share ideas and discuss a number of trends and challenges. There is no better way to learn more about what is working in other states, and how various programs are dealing with the same situations that you are.*

*Here are just some of the issues we'll be discussing in Portland:*

*Many programs are seeing a decline in state revenue, from offender-based funding mechanisms. Claims also appear to be stabilizing, or even decreasing, in a number of states. There are many uncertainties regarding federal and state implementation of the Affordable Care Act, which will differ from state to state. How we manage these trends and potential*

*changes may be vital to strategic planning for the future.*

*We're seeing a number of states actively searching for new or improved claims-management processing systems, and we plan to spend time discussing ways to approach this task.*

*Mass violence has been a major concern the past year, with large-scale incidents in a number of different states. We want to help states prepare and respond to these incidents, so there will be*

*an important conversation about this.*

*And as we always do, we will spend a good deal of time sharing information about operational improvements, changes in rules and benefits, and progress in many other aspects of program performance. I hope you will enjoy our sessions this year, and that you'll participate actively in our discussions. Let us know how we can make this conference as productive as possible for you and your staff.*

*—Gene McCleskey*

## President's Message from Gene McCleskey

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# 2013 Grants Finally Arrive; Picture for 2014 Remains Cloudy

## *VOCA Assistance Grants Near Record High; Comp. Grants Decline Nationally*

Each state compensation program gets its full 60%-of-state-payout grant this year (federal fiscal year 2013), but overall, the national total of compensation grants declined from a high reached two years ago. Compensation grants total \$159.1 million in FY 2013, compared to \$178.1 million last year. The record high was \$198 million in FY 2010.

The national totals tend to be weighted toward what happens in the largest states, however, and a number of them saw substantial declines in grant awards. Compensation programs in 25 states had larger grants this year than last, so overall there was an equal balance between state gains and drops.

VOCA assistance grants in 2013 are the second highest ever. Assistance grants to all the states total \$425.2 million in FY 13, a 12% increase from last year, and just off the all-time record of \$428.1 million set just two years ago.

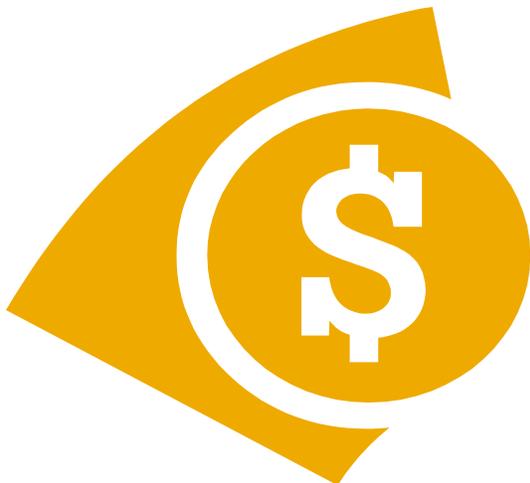
VOCA assistance grants went up partially because compensation grants went down; both grant programs share the same pot of money in equal shares, but once compensation programs get their 60% grants, the unused remainder of compensation money rolls into the VOCA assistance share. And there was more money to begin with, because Congress added \$25 million to the VOCA cap this year, raising it from \$705 million to \$730 million.

Grants were unusually delayed this year because of budgetary disagreements in Congress. The Office for Victims of Crime can't get grants out until it knows what Congress has allocated for VOCA spending, and that remained unclear until late this spring. Then further uncertainty ensued over how to deduct management and administrative (M&A) costs from grant programs, as Congress began requiring the Department of Justice to do last year. A decision was made to take M&A costs from the amount set aside for compensation grants initially, rather than from each grant itself; and the effect was to reduce the amount that rolled over to VOCA assistance.

## *Shutdown Looms as Budget Stalemate Persists*

Though both the House and Senate Appropriations Committees have approved higher caps for next year's grants — \$745 million in the House bill, and \$765 million in the Senate's — final action by Congress on any major appropriations bills for the coming federal fiscal year appears unlikely before October 1. Two possibilities remain: Congress will pass a Continuing Resolution (CR) keeping funding at FY 2013 levels, or the federal government will shut down until some budgetary agreement is reached.

A government shutdown carries complications for any state seeking to draw down money while the government is closed. We'll follow this closely.



## Welcome . . .

**Robin Brassie** is the new director of the New Mexico Crime Victims Reparation Commission. Robin has served for many years with the program, mostly managing VOCA assistance.

**Tannisha Bell** has been named chief of the Crime Victim Services Section of the Ohio Attorney General's Office. She recently worked in the District of Columbia's A.G. Office as a trial attorney, and previously practiced in the Columbus, Ohio, City Attorney's Office.

# Regionals Draw 26 States to Utah and Rhode Island

*Lively roundtable discussions and compelling presentations were the highlights of two Regional Training Conferences this Spring.*

In Salt Lake City, Utah's Office for Victims of Crime hosted more than 50 participants for three days of sessions focused on policy and practice. Beginning with a group discussion of developments in the past year in each state participating, the agenda moved through a series of presentations and roundtables that emphasized current issues and challenges.

Among the highlights: *Utah SANE Coordinator Susan Chasson* talked about how programs can help sexual assault victims and described some of the considerations in determining whether a victim should be prescribed an HIV-prevention medication. Discussion ensued about how programs could cover payment for the medication, which is expensive and needs to be started immediately. Restitution recovery was addressed in two sessions, the first, led by Idaho's *George Gutierrez and Dana Thomas*, focused on efforts in their program to go after defendants directly for payment. The second session was a presentation by *Professor Paul Cassell* on current legislation and court cases relating to restitution. Utah Director *Gary Scheller* moderated a provocative panel discussion on what victim cooperation means in sexual assault cases, and representatives from victim services, law enforcement, and prosecution offices, as well as a rape victim, gave their perspectives. Veteran managers *Kristy Ring* of New Mexico and *Suzanne Breedlove* of Oklahoma shared lessons learned from their lengthy careers managing both compensation and assistance programs in their states. Suzanne joined her assistant *Brian Hendrix* in describing outreach efforts toward Indian tribes and Native American victims in Oklahoma. *Pete Walters*, an agent from the Utah Department of Corrections, provided valuable information on the dynamics of gangs and their members, who may be perpetrators one day, and victims the next. Two registered psychiatric nurses, *Judy Raines* and *Geraldine Ulibarri* led a discussion on how to manage mental health claims, particularly inpatient treatment. *Tony Tilger* spoke about recent response in Colorado to the Aurora shootings; and *Larry Grubbs* told us about how he led an effort to overhaul Arizona's law and rules to promote better policies and benefits for the county compensation boards in his state. Many other issues were covered during the two-and-a-half-day conference, including national health care reform, VOCA funding, and VAWA changes affecting compensation programs. Small-group discussions and networking were emphasized throughout.

**Salt Lake  
City  
April 9–11**

**Providence  
April 29–  
May 1**

Our thanks to Gary Scheller and his office for hosting an excellent conference.

At the Eastern-Southern Regional in Providence, South Carolina's *Dr. Larry Barker* joined *Dr. Amy Goldberg* in talking about effective management of mental health claims, emphasizing evidence-based treatment and therapist accountability. Program managers *Linda Ciminio* of Connecticut and *Ann Meola* of Massachusetts, joined by their staffs, told us how their programs reacted and responded to the Newtown shootings and the Boston Marathon bombing. *Rebecca Loya* of Brown University shared finding from her research into the

experiences of sexual assault victims, highlighting their need for relocating in the aftermath of the crime. Suzanne Breedlove and Brian Hendrix broadened their presentation on outreach to Native American victims by discussing how lessons learned can be applied to efforts to communicate with other marginalized or minority communities. Small groups of managers and staff explored a number of issues germane to their job responsibilities in breakout sessions, and national developments such as health care reform and federal funding were also addressed.

We're grateful to *Melba Moore* and her Rhode Island staff for hosting a wonderful gathering of programs.

# States Address Trafficking, Add Benefits, and Raise Caps

Crime victim compensation programs in *California* and *Utah* have clarified eligibility requirements for trafficking victims in their states, addressing the forced nature of the criminal involvement of those exploited in these offenses.

The California Victim Compensation and Government Claims Board voted unanimously in May to approve a new regulation that allows victims of human trafficking who have been forced into prostitution to receive much needed assistance from the program. “We have always considered victims of human trafficking to be eligible for the services offered by the program, but realized clarification was needed so we can continue to provide services to those who have been forced to do things against their will,” Executive Officer Julie Nauman said. The new regulation exempts trafficking victims from an existing rule regarding the denial of benefits due to involvement in the events leading up to the crime. The board’s action comes after it held public hearings on the issue, and it is designed to ensure consistency in processing decisions.

Utah’s Office for Victims of Crime modified its “Misconduct” definition “to make sure that we were not denying trafficking victims,” according to Program Director Gary Scheller. The modified rule now reads as follows, with the new language italicized:

“ . . . Misconduct shall be considered conduct which contributed to the victim’s injury or death or conduct which the victim could have reasonably foreseen could lead to injury or death. In determining whether the victim engaged in misconduct, the staff shall consider any behavior of the victim that may have directly or indirectly contributed to the victim’s injury or death including consent, provocation, verbal utterance, gesture, incitement, prior conduct of the victim or the ability of the victim to have reasonably avoided the incident upon which the claim is based. *Staff shall not consider any behavior or action of any victim that is committed by the victim while under the duress or experience of threat, exploitation, coercion or any circumstance absent the victim’s own willful desire to participate or any be-*

*havior or action committed or perceived to have been committed by the victim of any sex crime when determining whether the victim engaged in misconduct.”*

## Massachusetts and Illinois Raise, Add Benefits

The *Massachusetts* legislature acted to increase the cap on funeral and burial expenses from \$6,500 to \$8,000, establish a catastrophic injury benefit of \$50,000 for those victims who suffer lifelong disability injuries due to a violent crime, and provide temporary debt collection protection for compensation claimants. The *Illinois* legislature increased the funeral/burial cap in that state to \$7,500, and raised the maximum on loss of earnings and support to \$1,250 per month.

A total of 13 compensation programs now offer additional benefits above their maximum for catastrophic injuries.

While debt-collection delay is still rare, there are at least five programs that offer this protection to those who have filed claims with their programs.

The following shows how many states are now at these funeral-maximum levels:

\$2,000:	1
2,500:	1
3,000:	2
3,500:	1
4,000:	2
4,500:	1
5,000:	22
5,500:	1
5,750:	1
6,000:	4
6,500:	2
7,000:	1
7,500:	6
8,000:	1
8,500:	1
9,000:	1
10,000:	2
No maximum:	1



State  
Action

*National Association of  
Crime Victim Compensation Boards*

# *Training Calendar*

## *2013 - 2014*

**National Training Conference**  
***September 11-13, 2013***  
**Portland, Oregon**

*The conference is open to all victim compensation program  
managers, staff and board members*

**NACVVCB Regional Conferences**

*We'll be developing our Spring 2014 Regional Conferences soon.  
Information will be sent to all member programs.*