

Program Standards

National Association of Crime Victim Compensation Boards

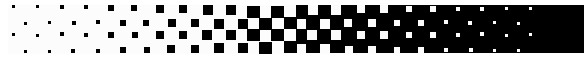
Office for Victims of Crime

OVC

Advocating for the Fair

Treatment of Crime Victims

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PROGRAM STANDARDS An Introduction

Crime victim compensation programs share a common goal of assisting as many eligible victims as possible through fair, consistent, and timely application processing and decision making. While the programs exhibit a wide diversity of size and structure, and command greatly varying amounts of resources, the basic work of the programs and their general operational characteristics are quite similar.

It should be possible, then, to set forth common goals and objectives that all programs would seek to achieve. It also should be possible to describe various strategies that programs could find useful in achieving those goals and objectives, and to establish some measurements that could allow programs to evaluate their progress.

While the National Association of Crime Victim Compensation Boards has always worked to help states improve the administration of their programs, setting program standards is a new effort. We believe that this initiative to provide states with goals to strive toward, and with strategies to reach their goals, is a continuation and refinement of what we do continuously through our conferences, our publications, and our information and resource network. We hope that the standards provide program leaders and staff with a clear picture of what many programs are already doing to fulfill their missions. The standards should show what is possible, and serve as benchmarks for programs that want to gauge their efforts and chart their progress.

These program standards have been developed with grant support from the Office for Victims of Crime (OVC), Office of Justice Programs, U.S. Department of Justice, and through the work of an Advisory Committee consisting of representatives of compensation programs, victim service programs, and OVC. These individuals have combined their expertise and experience to think creatively about what every program could be doing to improve performance, productivity, and service. We particularly want to thank the more than 40 allied professionals in victim services who have provided valuable input to this process. These standards also are evidence of OVC's continuing commitment to enhancing services for crime victims by promoting progressive practices of compensation and assistance programs.

We have pursued this project by dividing the work of compensation programs into these four general categories:

- o Outreach, training, and communication;
- o Claims processing;
- o Decision making; and
- o Financial planning.

Within each of these categories, we articulate a broad general goal that serves to provide an overall direction. Then, several more specific objectives are defined, achievement of which is essential in reaching the overall goal. Finally, we describe a number of strategies that states can pursue to achieve their specific objectives.

The strategies are divided into two categories, basic and advanced. The basic strategies are those that every compensation program should make every effort to implement. Given enough staff and resources, each program should be able to use each of the basic strategies to achieve the designated objectives and goals. If a program doesn't have means to implement these basic strategies, obtaining those resources should be a high priority. The advanced strategies are strongly recommended for consideration by all programs, though their full implementation may require that programs obtain additional resources and establish new priorities.

The nation's compensation programs, over the years, have taken action in many positive ways to advance the recovery of victims. These Program Standards will aid in this continuing effort to provide better financial assistance to crime victims. The Association stands ready to assist programs in implementing the standards, drawing on the vast experience of its members and their common desire to help each other progress.

We are grateful to the Office for Victims of Crime for making this project possible, and for its ongoing support.

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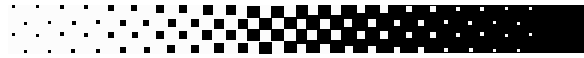
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GOAL #1

Effective Outreach, Training and Communication

Introduction

An effective outreach strategy is crucial in helping as many victims as possible know about their opportunities to seek financial assistance. If victims don't know about compensation, they can't obtain it. For an individual victim, this lack of knowledge can be tragic, since it can result in unnecessary financial hardship or an inability to obtain needed care. Programs have a clear obligation to "get the word out" about their programs to as many victims and their survivors as they can.

Yet there may be no other activity for which it is more difficult for programs to allocate time and resources. Many programs are budgeted only for processing and determining applications; fewer than a handful of states have staff devoted primarily to outreach and training activities. Most programs must fit outreach and training initiatives in and around claims processing work, or halt them entirely when the volume of applications demands attention. Thus, in evaluating the ability of programs to undertake the strategies suggested for achieving outreach and training goals, available resources are an important consideration. And it is imperative for programs to seek and maintain sufficient resources to ensure that they are able to do effective outreach and training.

Programs should be aware that the more effective their outreach strategies are, the greater the number of applications that may be received. This may cause temporary difficulties if a program doesn't have the staff to process an increased volume of claims, or lacks the money to pay more applicants. This is not to suggest that programs should curtail or abandon outreach activities; but programs also must work to ensure that they meet the greater demands on their processing and payment resources. It is important to note, however, that good information and training often can result in **better** applications--applications that are more complete and accurate, and that involve fewer ineligible claimants or expenses. As a result, processing and decision making on individual claims actually may become easier for the program.

Within the overall goal for this category of activity, three objectives are defined, each covering a different, though interrelated, factor:

1. Providing information and training to victims and personnel, such as police and victim advocates, who work with victims. This objective encompasses written materials, such as brochures, and training to ensure that those who work with victims understand the program. Direct outreach through public service announcements and community-group appearances is also encompassed. As noted above, providing good information and training can have a significant positive impact on processing and decision making.

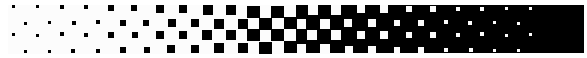
2. Fostering mutual understanding with victim service groups and criminal justice personnel. It needs to be emphasized that building "constituent relations" with victim assistance groups and service programs may be the most important outreach activity in which a program can engage. It is essential that representatives of victims and those who serve them in domestic violence shelters, rape crisis programs, and other service organizations have a thorough

understanding of each compensation program's work, including its legislative directives and its resource limitations. The "victims community" must have a real sense that the compensation program is "one of us" rather than an outside and alien bureaucracy.

3. Communicating effectively and sensitively. This subject area covers the forms, letters and written materials used by the program, as well as oral communication by phone and in person between victims and program staff. The emphasis here is on clear, easy-to-read and/or understand communication, appropriately sensitive to the emotional trauma victims may suffer.

GOAL 1: Outreach, Training, and Communication

Each of the objectives is important in its own right, but all are interconnected. A program that does a good job in pursuing effective strategies to achieve these objectives will create a climate in which it can interact and function effectively with victims, victim advocates, and criminal justice personnel. Effective outreach, training and communication will serve a program well in achieving its overall mission.



GOAL #1

Effective Outreach, Training and Communication

Goal: *To inform as many victims as possible about compensation opportunities available to them, and to communicate effectively and sensitively with victims and groups that work with them or on their behalf.*

Objectives

- 1. To increase understanding and awareness of the purpose and availability of crime victim compensation by providing information to crime victims and the general public and by offering training to public and private agencies and organizations serving crime victims.*
- 2. To foster mutual understanding between compensation programs and public and private agencies, organizations, and individuals that work with victims, such as victim service groups, police, prosecutors, other criminal justice officials, medical providers, and others.*
- 3. To communicate effectively, sensitively, and in a timely manner with victims through applications, correspondence, and telephone and in-person contact.*

STRATEGIES

Objective 1: To increase understanding and awareness of the purpose and availability of crime victim compensation by providing information to crime victims and the general public and by offering training to public and private agencies and organizations serving crime victims.

Basic Strategies

a. Provide training opportunities to groups and individuals that routinely come in contact with victims and can inform them about compensation. This training can be offered at conferences or gatherings either sponsored by the compensation program or by one or more of the targeted groups. Training sessions for individual victim assistance programs, police departments, and other groups and agencies are also an option. Among the most important groups for which training should be provided include the following:

- o Victim service programs:
 - + prosecutor-based victim/witness
 - + police-based victim/witness
 - + domestic violence
 - + rape crisis
 - + child victim
 - + elderly victim
 - + drunk driving victim
 - + statewide coalitions and networks
 - + other "grassroots" victim organizations
- o Police officers or criminal investigators at local, state, federal, military and tribal levels
- o Prosecutors, including U.S. Attorneys and military and tribal prosecutors

b. Develop and disseminate a brochure describing eligibility requirements, benefits, and procedures.

c. Develop and disseminate a poster publicizing the program's purpose and a number to call for information.

d. Review outreach materials and training efforts on an annual basis to improve their effectiveness.

e. When resources are extremely limited for outreach activities, programs should consider focusing efforts on unserved or underserved groups, such as minorities or people in geographically isolated areas, including Indian reservations.

f. Make contact with the state's administrator for VOCA assistance funds and communicate about how best to provide training and information to VOCA assistance subgrantees in the state.

g. Maintain communication with U.S. Attorneys' victim/witness coordinators in your state.

Advanced Strategies

a. Provide program information and/or training to as many interested groups as possible that can help in increasing awareness and understanding of the compensation program. Among the groups and individuals that could be considered for outreach activities include the following:

- o Judges and court officials, including federal, military and tribal systems
- o Correctional officials
- o Probation and parole officers
- o Funeral directors
- o Hospital and medical personnel

- o Mental health professionals
- o Governmental child advocacy agencies
- o Community organizations, especially in underserved areas
- o Schools and colleges (target appropriate disciplines such as social work, criminal justice)
- o Clergy
- o Lawyers (bar association, law firms, law schools)
- o Collateral source groups, such as insurance companies and Medicaid administrators
- o Large-scale employers
- o Key legislators and/or their staffs

b. Develop and disseminate the following to appropriate groups and individuals:

- o Patrol officers' cards
- o Training manual
- o Informational materials for inclusion in training conducted by police and victim programs
- o Merchandise items publicizing the program's name, address and phone number, such as key rings, pens, shirts, calendars

c. Maintain regular written communication with key programs, agencies and individuals, through the following means:

- o Newsletter (quarterly is recommended)
- o Correspondence when rules, procedures, benefits change

d. Emphasize communication with individual victim service programs, such as domestic violence shelters, rape crisis programs, and child victim programs, including VOCA-funded programs, through correspondence, phone calls, and personal visits to update key individuals within the programs on changes in benefits or procedures.

e. Develop and broadcast public service announcements (PSAs) over commercial and public radio and TV stations, and on military networks.

- f. Contact radio and television stations to request that programs and interviews focus on the compensation program.
 - g. Issue press releases on newsworthy information about the program.
 - h. Analyze data on which victimization types and geographic areas are applying less frequently than others, and target those "underserved" groups or areas for more outreach activities.
 - i. Use emerging technologies, such as the Internet and "Web," to provide information to interested parties.
 - j. Contact victims directly to offer assistance, if appropriate. For example, use police reports or news accounts to identify victims and to contact them directly about compensation opportunities.
 - k. Establish professional liaisons with staff of state legislators and keep them abreast of changing program needs and public demand.
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Objective 2: To foster mutual understanding between compensation programs and public and private agencies, organizations, and individuals that work with victims, such as victim service groups, police, prosecutors, other criminal justice officials, medical providers, and others.

Basic Strategies

- a. Establish a formal mechanism for communicating with and gaining the input of key programs, groups, coalitions, officials and individuals. A council, committee or other advisory body that meets on at least an annual basis with compensation program management to provide advice and input on policies, procedures, and forms is recommended.
- b. Identify and contact representatives of major coalitions or groups representing victims or providing victims with services, to discuss program changes and progress, and to gain input. Contact should be made annually or on an as-needed basis.
- c. As feasible, participate in conferences of the following groups, officials, and professions:
 - o Victim service programs, advocacy groups, and "grassroots" organizations
 - o Police and sheriffs
 - o Judges
 - o Prosecutors
 - o Funeral directors
 - o Hospital officials
 - o Mental health professionals
- d. Sponsor or participate in Victims Rights Week activities.
- e. Provide regular (at least annual) training to compensation staff, management, and decision makers on issues relating to victimization, such as domestic violence, child abuse, and sex assault, and on the workings of the criminal justice system.

- c. Develop and distribute to victim service programs a "claimant handbook" to provide applicants with more detailed information about benefits covered, rate limits, procedures for preauthorization to incur an expense, emergency awards, supplementary payments, appeals, etc. This could be modeled on similar materials provided by insurance companies to their insured.
- d. Develop a recognition program to acknowledge and honor those individuals in the victim-service community and criminal justice system who make significant contributions to the welfare of victims.

Advanced Strategies

- a. Hold a public hearing before making any major rule or policy change.
- b. Survey victim service groups and providers of services to victims to assess their experience and relative satisfaction with the compensation program's performance.

This could consist of awards presented at an annual ceremony during Victims' Rights Week.

e. Encourage each staff person to make at least one annual site visit to a domestic violence shelter, rape crisis program, or other victim service program. Encourage staff to perform volunteer work for victim service groups.

f. Develop or obtain directories of victim service programs for compensation staff to use in referring victims to other sources of assistance. Be sure the directories are up to date.

g. Notify appropriate local officials and groups of the amounts paid to and on behalf of victims in their communities by the compensation program.

h. (for programs with Boards) Invite representatives of victim coalitions and service programs to attend Board meetings, and move the meetings around the state so that more people have an opportunity to attend.

Objective 3: To communicate effectively, sensitively, and in a timely manner with victims through applications, correspondence, and telephone and in-person contact.

Basic Strategies

a. Develop an application that is easy to read and understand, and that seeks no more than the amount of information necessary to evaluate the applicant's eligibility, determine the benefits that should be paid, provide statistical information (for state and federal reporting), and facilitate seeking restitution from the perpetrator. (Writing for a 4th-grade reading level is a standard recommended for most communication.)

b. Review application on a regular basis to ensure its effectiveness, and develop a process to seek input from victims and their representatives on the content of the form.

c. Develop forms and letters for use with victims, providers, police, and employers that are effective in communicating information, using simple words and specific directions.

d. Provide annual and ongoing training to compensation staff on victimization and crisis reactions, so that staff can communicate effectively with victims. Training also should include information on other available victim services and resources, so that compensation staff can help make referrals when appropriate.

e. Establish a means to communicate with individuals who are hearing or sight impaired to ensure compliance with Americans With Disabilities Act (ADA) requirements.

Advanced Strategies

a. Activate a toll-free telephone number for victims and providers to call.

b. Develop a means, such as a "client satisfaction survey," to gain input from at least a sampling of victims on their experience with the program and their recommendations for improvement.

c. Establish a means to communicate with non-English-speaking applicants by telephone. At least one long-distance company (AT&T) now provides translators on demand for a small fee.

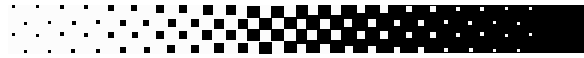
d. Seek professional expertise to ensure that applications are easy to

read and understand.

e. Establish a means to give providers quick information on the status of applicants to whom they have rendered services.

f. Develop a "claimant handbook" to provide applicants with more detailed information about benefits covered, rate limits, procedures for preauthorization to incur an expense, emergency awards, supplementary payments, appeals, etc. This could be modeled on similar materials provided by insurance companies to their insured.

g. As appropriate in individual cases, refer victims to victim assistance programs and to other sources of payment and relief, such as Medicaid and Aid to Families With Dependent Children (AFDC) for which the victim is or may become eligible.



GOAL #2

Expeditious and Accurate Claims Processing

Introduction

A primary performance indicator for any compensation program is the speed with which it processes applications. Victims, victim advocates, service providers, legislators, and the general public first want to know how quickly victims receive financial assistance.

It is therefore crucial that programs strive continually to improve their processing speed. But accuracy in analyzing applications is also vital, since state governments have mandated compensation programs to pay only those applicants that are eligible and those expenses that are compensable under statutory provisions. Eligible victims need to be paid promptly, but victims and expenses that do not fall within statutory requirements must be denied, also as quickly as a fair and full review of applications can be performed.

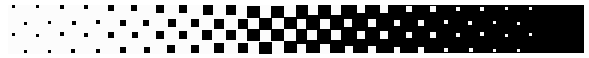
Clearly, programs must learn to balance speed and quality. The objectives and strategies described in this section are intended to help states do this.

Sufficient staff and resources to perform work and pay eligible applicants are extremely important factors in how well a program performs. Shortages in staff and funding result directly in delays in processing and payment. Delays can result in backlogs, in which more and more victims are forced to wait for financial assistance. Every program should seek an optimal number of personnel that will help ensure fast and accurate work on applications, and executive and legislative decision makers in state governments need to be aware that compensation programs need financial support to provide good service.

Yet every program, regardless of its staffing constraints, can and should do many things to improve its processing speed and efficiency. Each program can analyze its work flow and seek to eliminate duplicative and unnecessary steps. Every program should explore automation and other technological means to make its employees as productive as possible. Every manager has a responsibility to motivate and supervise staff. Tools like policy and procedure manuals and management reports can be useful to every program. Each program, no matter what its resources, can take important steps to improve productivity and performance, and the objectives and strategies in this section should serve as a guide in this effort.

Some of the common stumbling blocks to smooth processing, such as incomplete applications and slow police and provider response to requests for information, also can be addressed directly by programs. Clear and simple instructions on forms, training for victim advocates who help victims apply, and continuing efforts to impress upon police and providers the importance of quick turnaround can help tremendously in removing obstacles to efficiency. (Other sections of this document discuss strategies to accomplish these goals.)

The objectives in this section are divided into these general areas: processes and work flow; training and management; and issues relating to accuracy and consistency in processing applications. Attention to each of these objectives, and consideration of various strategies by which they can be addressed, should help every program to be as productive as possible, while maintaining a high quality of claims analysis.



GOAL #2 Expeditious and Accurate Claims Processing

Goal: To process applications as expeditiously, accurately, and efficiently as possible so that eligible victims may receive financial assistance promptly and in accordance with the program's mandates and requirements.

Objectives

- 1. To establish and improve processes that ensure the highest efficiency and productivity in processing applications.*
- 2. To train and manage staff to ensure high quality in processing applications.*
- 3. To ensure that applications are processed consistently and in accordance with applicable statutes and rules.*

STRATEGIES

Objective 1: To establish and improve processes that ensure the highest efficiency and productivity in processing applications.

Basic Strategies

- a. Establish a goal of 90 - 150 calendar days for (1) notifying applicants of their eligibility and (2) making payment on the first expenses that have been submitted, counting from the time the application is received. This goal should be achieved for a majority of applications. [Programs in which applications are processed and decided within a court-based system may establish processing goals longer than this time frame, since laws and associated court rules may allow parties a certain number of days within which to file their documents. These programs should process their cases as quickly as possible within the parameters of the particular court system.]
 - b. Study work flow and analyze how process can be improved by eliminating wasteful actions and enhancing productive steps.
 - c. Assess procedures on a regular basis to maintain productivity. Be sure to seek input from claims-processing staff on which procedures are working and which should be changed.
 - d. Take advantage of available technology (computers and automated application-tracking system) to the extent possible to speed and facilitate processing.
 - e. Acknowledge receipt of each application with a letter to the applicant as soon after receiving the application as possible. Acknowledgement within 10 working days is recommended.
 - f. Make prompt requests of law enforcement, medical and mental health providers, employers, and others for information necessary to analyzing the application. Ask for responses by a certain date or at least as soon as possible. Develop procedures for following up with procrastinators.
 - g. Develop management tools and reports to measure accurately how quickly applications are being processed by individual staff and the program as a whole. A "monthly claims activity" report showing total claims received and determined, with a breakdown on each staff member's progress on assigned applications, is one recommended monitoring tool.
 - h. Set and achieve a goal of processing the same number of applications in a 12-month period as are received during that period. In other words, if a program receives 1,000 applications in one year, it should try to process at least 1,000 applications during that same year. Status should be monitored monthly.
 - i. If facing a backlog, develop a strategy to reduce and eliminate the backlog within a reasonable time frame. One recommended strategy is to define the backlog as all applications currently pending, and to process and eliminate those backlogged applications at the same time as new applications are processed. By this means, the program establishes a definite and non-increasing number of backlogged claims that can gradually be reduced, at the same time that current applications are being handled at the rate they are being received.
- a. Acknowledge receipt of each application with a letter to the applicant within 2 or 3 working days of receiving the application.
 - b. Develop ways to expedite the processing of applications involving emergency needs. If feasible, make use of law enforcement or prosecutor-based advocates to "certify" emergency need.
 - c. Develop ways to expedite applications requiring preauthorization for services.
 - d. Develop ways to expedite the processing of applications that require little analysis.
 - e. Set and achieve a goal of less than 90 calendar days for making a decision on the eligibility of each applicant and the expenses that should be paid that applicant, counting from the time that an application is received until the decision is made to deny or pay the first expenses.
 - f. Set a goal for the time within which an application should be analyzed fully and a recommendation of eligibility is made, counting from the day the police or crime report is received. This is a goal separate and in addition to the goal for processing an application from the time the application is received; it focuses on that portion of processing that involves the analysis of all the information once it has been received, rather than the overall time it may take to process an application.

Advanced Strategies

- g. Develop expertise among some staff members to handle specific types of victims, such as seniors, non-English speakers, and child victims.
- h. Use an outside consultant to evaluate processes and productivity.
- i. Seek direct linkages with police departments and state agencies, such as Medicaid administrators, Social Security, and employment services, to obtain on-line access to necessary information.
- j. If calls from applicants and service providers regarding status of applications and payments is interfering significantly with processing efficiency, develop procedures to limit interruptions, such as assigning one staff person (or a small group in larger programs) to respond to calls; responding to status calls only between certain designated hours; or developing a means for service providers to gain on-line access to status information.

Objective 2: To train and manage staff to ensure high quality in processing applications.

Basic Strategies

- a. Develop job descriptions, and update them as necessary.
- b. Orient and train staff to ensure understanding of the following:
 - o Program mission, mandates, and goals
 - o Eligibility requirements
 - o Benefits
 - o Process for analyzing applications
 - o Collateral resources
 - o Basic concepts and terms used by medical and mental health providers
 - o Basic issues relating to victimization, and service programs available to assist victims
 - o Criminal justice process
- c. Train staff to communicate with and interact with victims and service providers in a sensitive, professional way that facilitates information exchange and promotes the purposes and image of the program.
- d. Conduct annual staff performance evaluations.
- e. Recognize and reward superior achievement of individual staff members.
- f. Send staff to state conferences relating to victim issues, and to regional and national conferences relating specifically to compensation, as resources allow.

- e. Develop written training materials for each staff person to aid in orientation and training.

Advanced Strategies

- a. Provide training to staff on time-management techniques.
- b. Consider rotating staff through different jobs to maintain motivation and promote personal development of staff.
- c. Establish performance measures for all processing activities, and provide data to encourage staff to conduct self-examination of performance and compare productivity to that of fellow employees.
- d. Provide management training to managers to assist in managing staff and directing program.

Objective 3: To ensure that applications are processed consistently and in accordance with applicable statutes and rules.

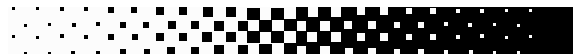
Basic Strategies

- a. Develop and maintain a policy and procedure manual.
- b. Establish ways that staff members can consult with each other and management when they face problems in processing applications.
- c. Convene regular meetings of staff to discuss changes in policies and procedures, or problems in performing work.
- d. Develop a checklist of work that needs to be accomplished in evaluating each application, such as evaluating eligibility requirements and checking collateral resources.

- e. Develop a method for reviewing and monitoring staff work in processing applications, such as a quality review list.

Advanced Strategies

- a. Develop and maintain an index of decisions on applications, with fact situations, issues, and results. The index could focus on only those cases that set precedent or are worth consulting as a guide to future decisions.
- b. Develop process of peer review to allow staff the opportunity to review decision making of other investigators.



GOAL #3

Good Decision Making

Introduction

The paramount goal of a compensation program is to make fair, consistent, and prompt decisions on all applications. A program's entire staff, resources, and processes should be focused on this mission, since ultimately, a program succeeds or fails on the strength of the final decisions it makes on claims.

Of course, good decision making depends on all that precedes it. If a program has a good application form, if victims receive assistance in filling it out, if police reports are substantive, if providers and employers cooperate in providing information, and if compensation staff organize, analyze, and present this information to the decision maker in an accurate, complete, and timely manner, then the probability for a good decision is enhanced tremendously. But decision making in itself is a major task, an endeavor requiring skill, knowledge, and experience. Programs must work conscientiously to improve their ability to decide claims correctly, according to statute, rule, and appropriate precedent.

What is a good decision? Many definitions might be offered, but one definition could be the one that follows.

A good decision is one that is:

o Based on a full understanding of the relevant facts and circumstances of the case, rather than mere conjecture or opinion;

o Made by accurately applying the program's statute and rules, rather than what the decision maker may think the law should be;

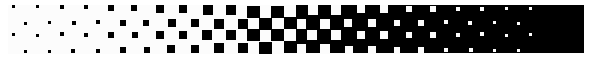
o Fair and free of bias;

o Consistent with prior decisions, but that takes into account any pertinent distinctions that make the case different from other similar cases;

o Faithful to the program's mission to serve victims, as well as its responsibility to abide by statutory requirements; and

o Rendered as promptly as a full review of the case allows.

The objectives and strategies described in this section are intended to promote decision making that satisfies the above elements. With sound decision making, programs afford victims a full opportunity to have their applications reviewed according to statute and rules, fulfilling the essential mission of every compensation agency.



GOAL #3 Good Decision Making

Goal: To make fair and consistent decisions on all applications as promptly as possible, in accordance with statutory requirements and in furtherance of the program's mission to serve victims.

Objectives

- 1. To establish processes to promote expeditious and accurate decision making.*
- 2. To notify victims about decisions in an effective and sensitive manner, informing them of their rights to appeal.*
- 3. To afford applicants an opportunity to appeal program decisions, and to handle appeals fairly and expeditiously.*

STRATEGIES

Objective 1: To establish processes to promote expeditious and accurate decision making.

Basic Strategies

- a. Define various roles of staff, management, and Board (if applicable) in making decisions, and provide training and information to ensure that each person fully understands his or her role.
- b. Develop and use a written manual of policies and procedures, defining eligibility and payment criteria.
- c. Train Board members or other decision makers on statutory eligibility requirements and benefits.
- d. Develop conflict-of-interest policy for decision makers.
- e. Develop and use a mechanism for a consistent and sufficient consideration of each application. A checklist of eligibility issues and payment considerations is recommended.
- f. Develop a mechanism so that decision makers can confer with others on difficult or complex cases. A regular "case conference" in which decision makers can talk informally about problems in deciding applications is recommended.

- g. For Boards:
 - o Define quorum and rules for proxy voting.
 - o Develop and follow rules for conducting meetings and hearings.
 - o Maintain accurate minutes and records of Board meetings that reflect the full discussion of issues relating to applications and policies.

Advanced Strategies

- a. Maintain and make use of index of case decisions. The index would provide, for each case involving significant or recurring issues, a synopsis of the facts of the victimization, the issues presented, and the decision of the program. The index should serve to promote future consistency in decision making, just as judicial decisions do in courts.
- b. Make use of an expert on staff or in a decision-making capacity (on a Board) to determine complex issues, such as those relating to analysis of medical or mental health reports.
- c. Develop a mechanism whereby staff and decision makers discuss and evaluate processes and performance.

Objective 2: To notify victims about decisions in an effective and sensitive manner, informing them of their rights to appeal.

Basic Strategies

- a. Develop clear and concise letters and forms to notify victims of decisions and inform them of their appeal rights and the procedures to follow. Communication should be geared to 4th-grade reading level.
- b. Include the following information regarding denial and payment:
 - o If denied, the reason for denial, with reference to the statute if appropriate
 - o If paid partially, a clear and accurate detailing of expenses paid and expenses that are not paid, with a clear explanation why
 - o If paid fully, a clear and accurate detailing of expenses paid
- c. Develop a mechanism to enable victims to inquire about the decision on their application and seek an informal staff review prior to formal appeal (if such procedure is allowed under state law and rule).

victim apply, so long as this does not violate the confidentiality interests of the victim and the data-protection practices of the program.

- c. Encourage victim advocates to attend hearings and/or appeals hearings with their clients.
- d. Notify the prosecutor handling the criminal case, and any civil attorney for the victim, about the decision on the application.
- e. Notify providers when an application has been denied. If an applicant is eligible, but there will be a significant delay in making payment, notify providers so they will not demand payment from the victim.

Advanced Strategies

- a. Notify victims by phone or in writing prior to a denial (a "pre-denial" notification) to enable them to provide further information prior to a final decision.
- b. Provide notice of the decision on an application to the victim service program that helped the

Objective 3: To afford applicants an opportunity to appeal program decisions, and to handle appeals fairly and

expeditiously.

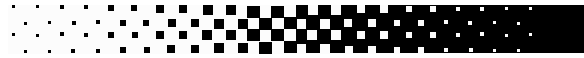
Basic Strategies

- a. Develop written rules to conduct hearings.
- b. Establish clear time frames for submitting appeals, and ensure that appellants are informed about them.

Advanced Strategies

- a. Provide an orientation for the appellant prior to the appeals hearing.

- b. Consider requiring decision makers to use checklists and make written findings of facts, to monitor compliance with statute and rules, and to assist decision makers and staff in making consistent decisions.
- c. Conduct hearings at different locations in the state to make it more convenient for appellants to attend.
- d. Consider making use of telephone or videoconferencing for appeals.



GOAL #4

Sound Financial Planning

Introduction

Without sufficient funds to pay eligible victims, programs cannot achieve their mission. A lack of resources will often cause delays in paying claimants, and may result in undesirable cutbacks in benefits. Funding problems also may mean insufficient staff to perform work. The ultimate consequence of a lack of resources is frustration, both on the part of victims and the program itself.

The fiscal health of a program is not entirely within the control of that program. Each program is dependent on its legislature to set specific offender-fee or assessment levels, or to appropriate funds, for program operations and payments. (Even Federal funds through VOCA, while independent of these processes, are calculated on the level of state payments, and thus are dependent on how much is available to state programs through state sources.) Programs that rely on offender fees and assessments don't really know to any precise degree how much money will be gained from that source each year. Additionally, programs must rely on others in the courts and correctional systems to assess and collect the fees.

Neither do programs have much control over the amount of money they will be asked to pay out in awards to victims each year. While most programs have a pretty good sense of what they will be obligated to pay from year to year, a significant degree of unpredictability creeps into any attempt to make exact projections. If applications are up, more may have to be paid out; the converse is true if applications decline.

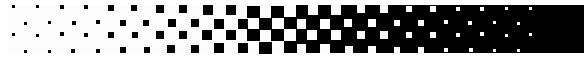
In this uncertain climate, keeping a weather eye out for impending fiscal storms is imperative. Programs need to watch carefully their fiscal stability, and take steps to maintain sufficient reserves. Programs need to know what options are available to them in increasing funding or cutting costs well in advance of any problems that may arise, rather than simply try to react to a crisis when it happens.

The objectives within this section focus on the following:

- o Analyzing revenue and payment trends to stay fully informed and keep ahead of any potential fiscal problems;
- o Maximizing funding through the basic mechanism available to the program, whether that be offender fees or legislative appropriations, and exploring new sources when possible;
- o Recouping payments through effective restitution and subrogation recovery;
- o Instituting cost controls (for example, benefit limits, fee schedules, professional review of medical bills), when necessary to ensure adequate funds for payment of all eligible applications; and
- o Administering funds according to sound accounting and management principles.

By attending to each of these objectives, and applying the strategies described herein, programs should be better able to plan and face the inherent uncertainties that characterize the fiscal situation of every

compensation program.



GOAL #4 Sound Financial Planning

Goal: To ensure that sufficient funds exist for the compensation program to pay all eligible applicants to the full extent of their compensable costs.

Objectives

- 1. To gain an accurate picture of the program's fiscal condition, and to develop strategies to operate within fiscal constraints.*
- 2. To maximize funding for the program, through whatever sources are available.*
- 3. To recover as much of the program's payouts as possible from offenders and other responsible parties, through restitution, subrogation, and collateral resources.*
- 4. To administer state and federal funds in accordance with all state and federal requirements and sound accounting principles.*

STRATEGIES

Objective 1: To gain an accurate picture of the program's fiscal condition, and to develop strategies to operate within fiscal constraints.

Basic Strategies

- a. Develop and use management reports that provide the following:
 - o Applications received and paid
 - o Compensable expenses paid, by cost categories
 - o Funds received, by source
 - o Funds available currently
 - o All statistics necessary for VOCA Performance Reports
 - o Administrative expenditures
- b. Forecast revenues and expenditures annually by source and cost categories.
- c. Monitor budget monthly for variances.
- d. Develop strategies to boost revenue (see Objective #2) or control costs to keep program within budget. Only if necessary, consider setting

limits and maximums on specific benefit categories, such as mental health.

- e. Consider use of VOCA 5% administrative funds to enhance program operations.

Advanced Strategies

- a. Make use of fee schedules, such as those used by workers compensation agencies or private insurers, to set reasonable reimbursement levels for individual medical procedures.
- b. Assign professional staff to perform quality review of medical bills to find duplicate charges, overcharges, and unrelated charges.
- c. Contract with private agency to perform quality review of medical bills to find duplicate charges, overcharges, and unrelated charges.

Objective 2: To maximize funding for the program, through whatever sources are available.

Basic Strategies

- a. Encourage legislators, with ample justification to obtain their support, either to:
 - o Set criminal fees at a level that will ensure sufficient funding; or
 - o Appropriate the funds needed to meet the program's fiscal needs.
- b. Encourage prosecutors, judges, court clerks, probation and parole officers, corrections officials, and others responsible for seeking, ordering, and collecting criminal fees and restitution to fulfill those responsibilities.

Advanced Strategies

- a. Develop or encourage creative solutions for maximizing collection of revenue from offenders, such as billing defendants, credit card payments.
- b. Set up a committee consisting of court officials, prosecutors, corrections and probation officials to discuss problems and solutions in collections.
- c. Publish a regular newsletter for, or maintain regular correspondence with, officials responsible for ordering and collecting offender revenue.
- d. Meet with U.S. Attorney in state to encourage collection of federal criminal debt that finances the VOCA Crime Victims Fund.

Objective 3: To recover as much of the program's payouts as possible from offenders and other responsible parties, through restitution, subrogation, and collateral resources.

Basic Strategies

- a. Inform victims on the application that they must agree to repay the compensation program from any funds received from the offender or other responsible parties through restitution and subrogation.
- b. Include in the notice of payment to victims that they are under a legal obligation to repay the program from sums received from offenders or other responsible parties.
- c. Clarify that the duties of claims specialists include being attentive to potential revenue recovery and reimbursement sources.
- d. Encourage prosecutors, judges, court clerks, probation and parole officers, corrections officials, and others responsible for seeking, ordering, and collecting criminal fees and restitution to fulfill those responsibilities.
- e. Establish a system to track payments of restitution to the program.

Advanced Strategies

- a. Develop methods for recognizing staff achievements in identifying and accessing potential revenue recovery and reimbursement sources.
- b. Create incentives for court officials to do a better job in collecting restitution.
- c. Develop procedures to request restitution orders in individual cases, and to track and monitor sentences and collections.
- d. Check with court clerks to determine if civil suits have been filed by applicants against offenders. If so, send notices to the applicants

Objective 4: To administer state and federal funds in accordance with all state and federal requirements and sound accounting principles.

Basic Strategies

- a. Establish accounting system that complies with state requirements as well as with VOCA and Federal audit requirements.

and/or their attorneys reminding them of subrogation obligations.

e. Send notices to individual offenders whose victims have been compensated and who have been ordered to pay restitution, requesting payment directly to the compensation program.

f. Institute actions, such as garnishment of wages, to obtain payment from offenders.

g. Provide training to prosecutors, judges, court clerks, probation and parole officials, and corrections personnel on the importance of restitution and the procedures to follow in getting it from offenders.

h. Dedicate staff to, or hire a new specialist for, the collection activity described in c. through g. above.

i. Encourage legislation to strengthen the restitution laws in the state, including naming the compensation program as a party to whom the court can order that restitution be paid.

j. Encourage victims in appropriate cases to file civil actions against offenders and responsible third parties, and provide referrals to attorneys or the bar association.

k. Implement a system whereby the program can initiate civil action against responsible offenders and third parties to recover amounts paid by the program, if the victim does not file such an action.

l. Seek legislation that prohibits award of compensation until applicant has satisfied all criminal penalties, such as fines and restitution, that may be owed by the applicant from prior offenses committed by the applicant. Implement procedures to identify criminal fines and penalties owed by applicants.

b. Maintain documentation that is accessible and verifiable as to program payments to victims and for administrative expenditures.

c. Perform annual audit (or comply with whatever state and federal requirements and procedures exist for audits).