

Welcome!

While waiting for the presentation to begin, please read the following reminders:

- The presentation will begin promptly at 9 a.m. Pacific Time
- If you are experiencing technical difficulties, email brenda@nfjca.org
- To LISTEN to the presentation on your phone, **312-878-0218**,
access code 479-769-837 or choose the option to listen on your computer speakers
- Attendees will be muted throughout the presentation
- To send questions to the presenter during presentation:
 - Click on “Questions” in the toolbar (top right corner)
 - Type your comments & send to presenter
- There will be a Q & A session at the end of the presentation.
- The presentation will be recorded & posted on www.familyjusticecenter.org
- Please complete the evaluation at the end of the presentation. We value your input.



***With special thanks to the Verizon
Foundation for sponsoring this webinar!***



2010 International Family Justice Center Conference

April 27-29 2010 in San Antonio, TX



The three-day conference will include discussions on issues related to the handling of domestic violence, child abuse, sexual assault, and elder abuse cases in the context of the Family Justice Center model. The conference faculty includes nationally & internationally recognized subject matter experts, advocates, and survivors. During the conference participants will have the opportunity to meet with survivors and professionals who currently work in Family Justice Centers in the United States and internationally.

Please visit our website at www.FamilyJusticeCenter.org to view the agenda and register for our 2010 International Family Justice Center Conference



Your host today:



**Casey Gwinn,
President, FJC Alliance**

www.familyjusticecenter.org



The FJC Alliance Team



Casey Gwinn, JD



Gael Strack, JD



**Sgt. Robert Keetch,
Ret.**



Jennifer Anderson



Brenda Lugo



Lori Gillam, CPA



Michelle Adams, JD



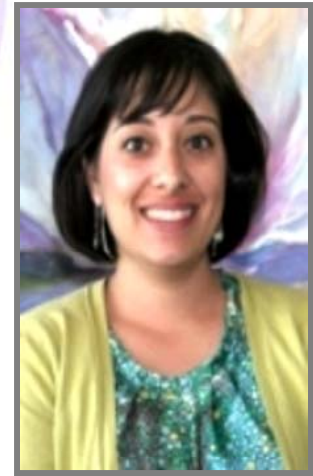
Yvonne Coiner



Mehry Mohseni



Melissa Mack



Alexia Peters, JD



Webinar Recording and PowerPoint Presentation Download Reminders

This webinar presentation is being recorded and will be posted on our website by the end of today's business day. We would like to remind you that in order to download webinar files and other materials from our Resource Library on our website, FJC Alliance Membership is required- it's free, quick, and easy to do. Members can log in to access members-only information.

Please note that registering for today's live webinar training does not sign you up as a member of the FJC Alliance. If you wish to become a member and obtain login credentials, please visit our website at www.FamilyJusticeCenter.org and click on “**Get Involved**” → “**Become a Member**”. Please allow 24 hours for your application to be reviewed. Once your membership application is approved, you will be notified via email.



Your presenters today:



JoAnn Goodwin
CalVCP
Assistant Deputy Executive Officer



Christie Munson
CalVCP Manager
County Liaison and Support Section



California Victim Compensation Program

Victim Compensation in California: A Presentation for the Family Justice Center Alliance

April 8, 2010

2010

JoAnn Goodwin, Assistant Deputy Executive Officer, CalVCP

Christie Munson, CalVCP Manager, County Liaison and Support Section

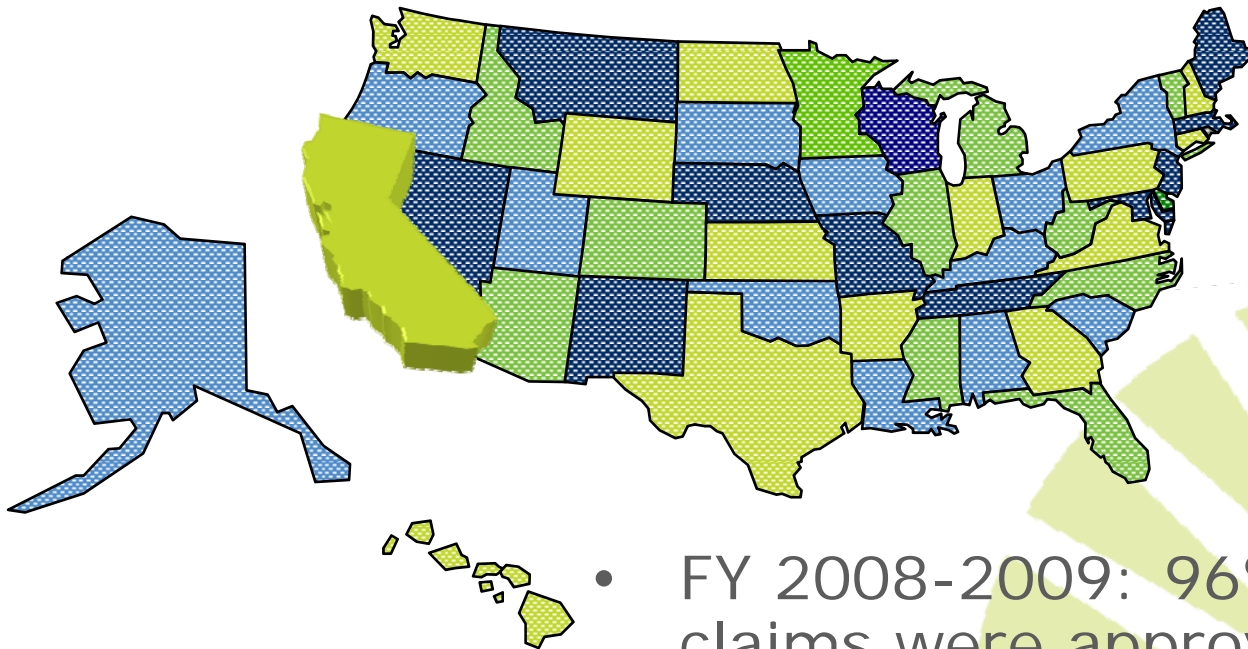


California Victim Compensation Program

- Created in 1965 to lessen the financial impact of violent crime on innocent victims
- First program in the nation, third in the world
- Largest program in US
- All 50 states, District of Columbia, and U.S. territories have compensation programs supported in part by VOCA
- VOCA awards 60% of payouts back to state compensation programs



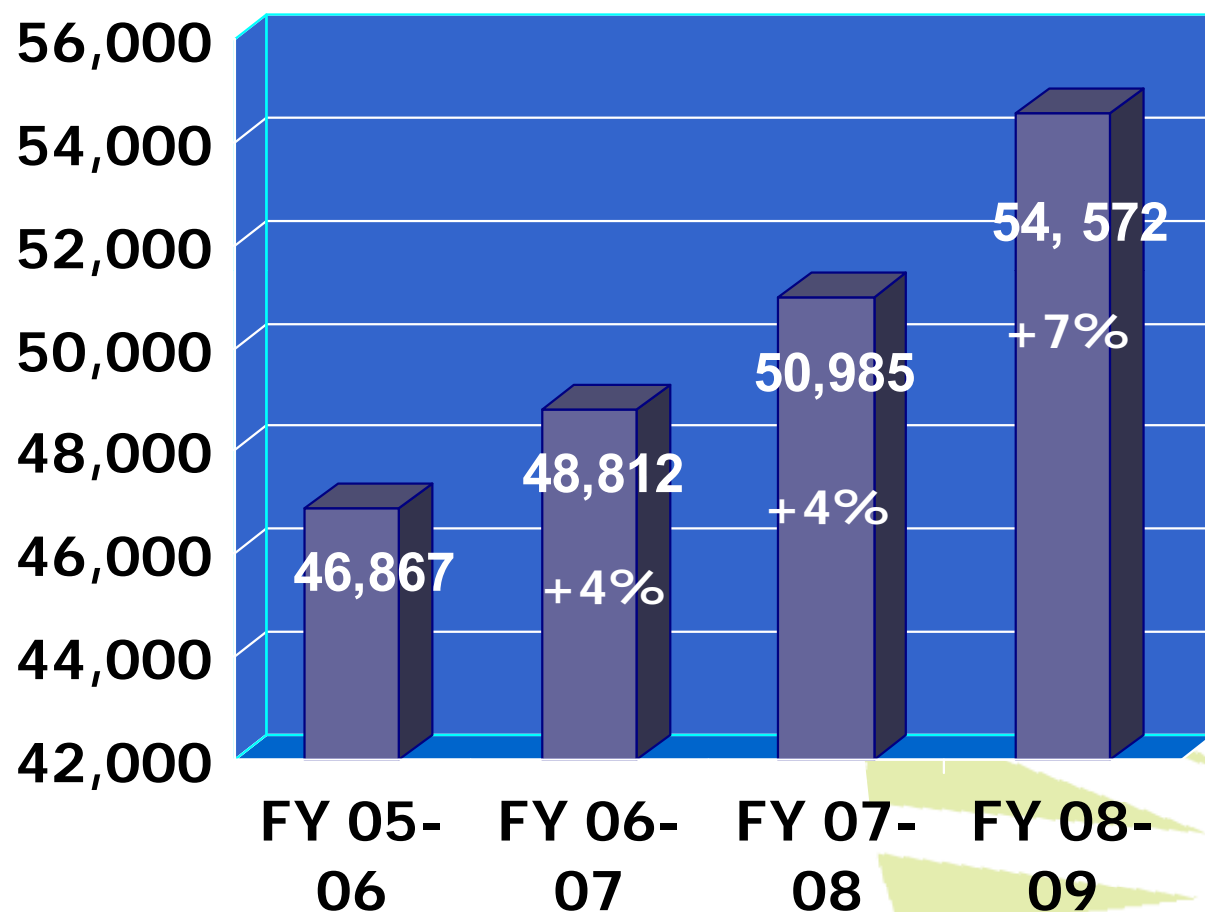
Program Facts



- FY 2008-2009: 96% of processed claims were approved for payment
- Payments totaled more than **\$94 million**

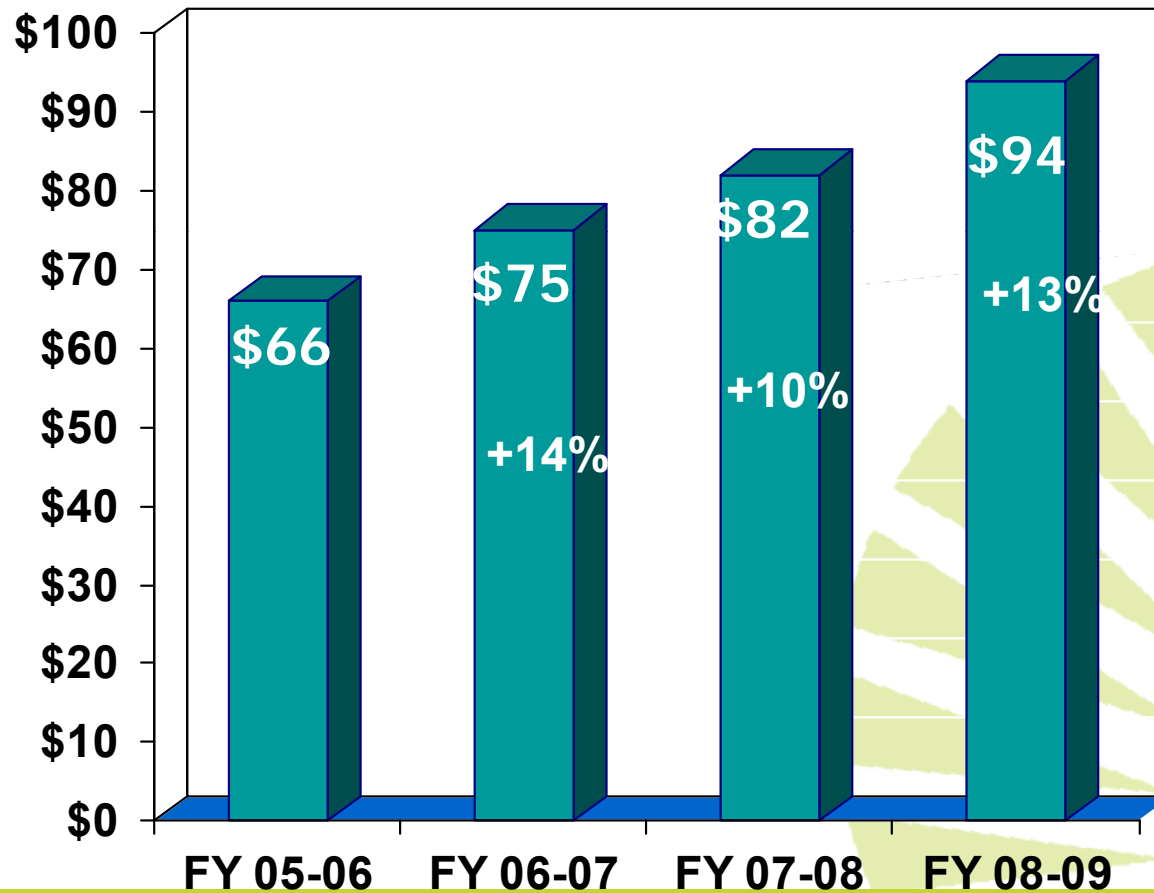


Applications Received



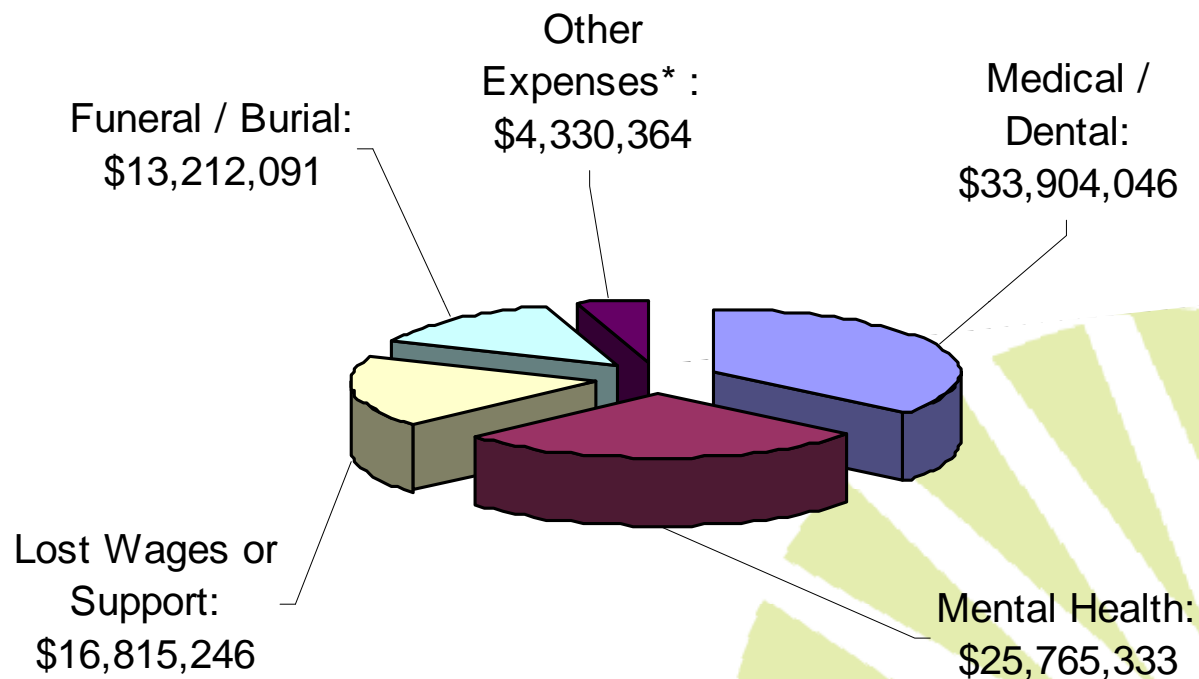


Payments in Millions





FY08-09 Compensation Paid by Type of Expense

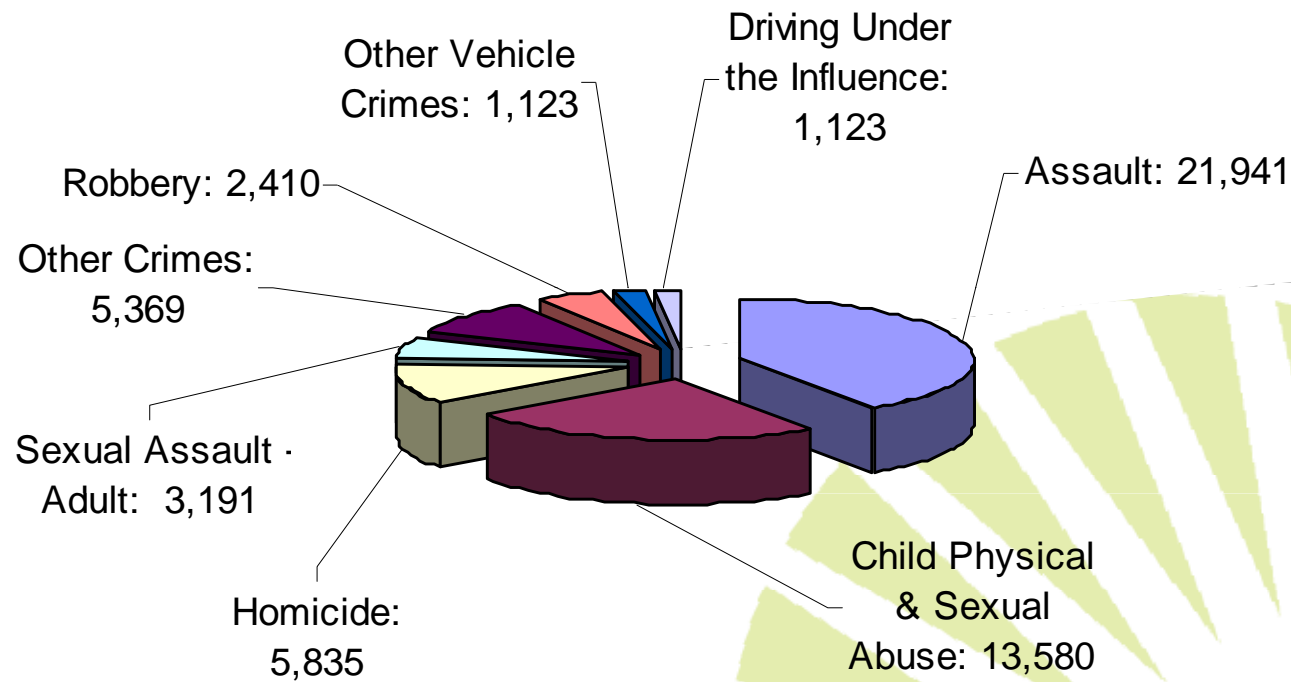


Total Payments: \$94,027,080

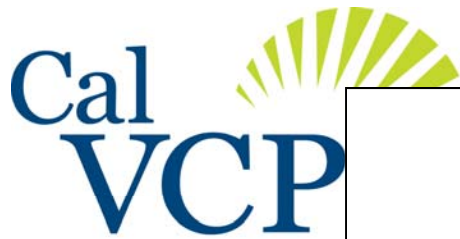
* Other expenses include relocation, residential security, crime scene clean-up, attorney payments, and miscellaneous expenses.



FY08-09 Applications Received by Type of Crime



Total: 54, 572



CalVCP Statistical Data Fiscal Year 2008-2009

Application Received by Claimant Type

| | | |
|--|--------|-----|
| Total Applications | 54,572 | % |
| Direct Victims | 42,931 | 79% |
| Derivative Victims | 9,956 | 18% |
| To Be Determined | 1,685 | 3% |
| Female Claimants | 32,704 | 60% |
| Male Claimants | 21,270 | 39% |
| Unknown or Not Specified | 598 | 1% |
| Adult Claimants | 32,973 | 60% |
| Minor Claimants | 19,914 | 36% |
| Unknown Date of Birth | 1,685 | 3% |
| Domestic Violence Claims | 13,205 | 24% |
| Claimants From Victim Witness Assistance Centers | 35,769 | 66% |
| Claimants With Attorney Representation | 1,680 | 3% |
| Claimants Filing Directly | 17,123 | 31% |

NOTE: "Unknown", "Not Specified" or "To Be Determined" reflect data not available at the time of report.



Who is Eligible?

- A resident of California at the time of the crime
- Member of the military stationed in California
- A victim of a crime that occurs in California

Cal VCP Eligibility

- Typically requires a physical injury or a threat of physical injury or death.
- For certain crimes, emotional injury alone is all that needs to be shown.



Examples of Qualifying Crimes

- Murder
- Robbery
- Battery
- Assault with Deadly Weapon
- Sexual Assault
- Terrorist Threats
- Human Trafficking
- Child Abuse / Molest
- Domestic Violence
- Elder Abuse
- Vehicular offenses
 - DUI
 - Hit and Run
 - Vehicular Manslaughter
 - Fleeing scene of crime
 - Assault with vehicle



Top Denial Reasons:

- Lack of preponderance of evidence of a qualifying crime
- Involvement in the crime
- Lack of cooperation with law enforcement
- Not a qualifying crime
- Ineligible claimant





Two Types of Victims...

Direct Victim:

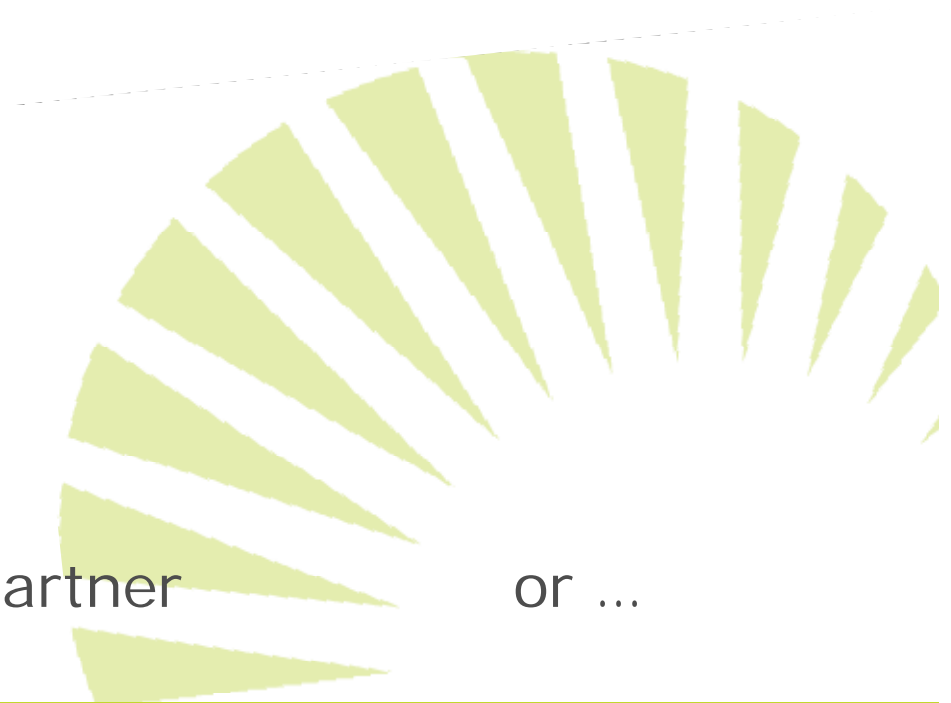
- Individual who sustains injury, threat of injury, or death as a direct result of the crime
- Minors who reside in household where domestic violence occurred



Derivative Victim:

An immediate family member of the victim, which includes the following:

- Spouse
 - Sibling
 - Parent
 - Child
 - Grandparent
 - Grandchild, or
 - Registered Domestic Partner
- or ...





Derivative Victim:

A person who:

- Was living in the same household as the victim at the time of the crime
- Had lived with the victim for at least 2 years in a relationship similar to an immediate family member
- Has become the primary caretaker of a victim after the crime



Victim/Derivative - Felon

- CalVCP may not reimburse any expenses incurred while a person is on felony probation, parole or is incarcerated.
- CalVCP can pay for a deceased felon's funeral/burial expenses, provided that the person requesting reimbursement is not a felon and the claim is otherwise eligible.



Timeline for Applying

Application must be filed within:

- One year after date of incident
- For minors, one year after their 18th birthday
 - In cases of sexual abuse, up to 28th birthday
- Within one year after discovery that injuries were direct result of crime
- Filing deadline may be extended based upon good cause
- *All family member applications are deemed timely if the direct victim's application is received in a timely manner.*



Verifying Eligibility

- Crime reports needed for most crimes
 - Law enforcement
 - Court records
 - Prosecutor
 - Child protective services
- Domestic violence
 - Report on an official letterhead from a battered women's program corroborates the allegation of domestic violence,
 - Medical records that document injuries consistent with the allegations of domestic violence,
 - Records of mental health treatment,
 - Temporary or permanent restraining order, or
 - The perpetrator was enrolled in a batterer's program or domestic violence diversion program as a result of the crime
- Human Trafficking
 - A law enforcement agency endorsement or an affidavit from a human trafficking caseworker,
 - Certification or eligibility letter from the U.S. Department of Health and Human Services, Office of Refugee Resettlement,
 - Prosecution of the offender(s), or
 - Medical records documenting injuries consistent with human trafficking (note that victims may have suffered multiple types of victimizations, such as sexual and/or physical assaults); or mental health records



Emergency Awards

- Claimant must suffer *substantial hardship* without the award
- Emergency payment would help with an *immediate need*
- Documentation needed
- Processed within 30 days
- No appeal rights if Emergency Award is denied



Eligible Expenses

- Eligible losses incurred as a direct result of the crime that are not reimbursed by any other source
- Does not include property losses
- \$70,000 maximum reimbursement on a single claim



Medical Expenses

- Ambulance
- Hospital
- Physician
- Chiropractor
- Physical therapist
- Dentist
- In-home care
- Eyeglasses
- Prosthetic device
- Hearing aid(s)
- Wheelchair
- Home or vehicle modifications
- Cosmetic surgery



Medical Expenses

- If payment is accepted by a provider, by law CalVCP's payment is considered payment in full





Mental Health – Session Limits

Direct victim

- Minor & Adult - 40 sessions

Derivative victim

- Minors & Caretakers – 30 sessions
- All others - 15 sessions
- Death of a victim – 30 sessions
- *Sessions beyond these limits requires submission and approval of an Additional Treatment Plan (ATP) by the provider*



Income or Support Loss

- 5-year period for victim or spouse of direct victim
 - No time limit in cases of permanent disability; \$70,000 limit applies
- Minors receive benefit until 18 years of age
- \$70,000 total maximum for all derivative victims combined



Funeral / Burial

Maximum \$7,500

- Burial Vault
- Casket
- Costs to transport body
- Cremation charges
- Endowment care
- Grave
- Marker/headstone
- Funeral Service
- Gravesite Services
- Chapel Services
- Miscellaneous Fees
- Preparation of body
- Facility use
- Travel Costs (1 person)



The Advocate's Role with Funerals

- Help obtain funeral/burial contract
- Communicate with CalVCP
- Make sure we know the timeline; we can act quickly in emergencies
- Help obtain information about reimbursement sources, such as auto insurance, to speed verification and payment



Cal VCP Relocation

- \$2,000 per household
 - New legislation allows for higher payments in dire and exceptional circumstances
- Direct Victims Only
- Recommendation from law enforcement or mental health provider is necessary
- May pay for more than one relocation per crime, provided that all relocations combined do not exceed \$2,000



Typical Relocation Expenses

- Rental housing
 - Security deposit
 - First and last month's rent
 - Generally paid directly to landlord
- Utility deposit
- Telephone deposit
- Temporary lodging
- Emergency food or clothing
- Moving expenses
 - Truck rental
 - Storage fee
- Travel
 - One-way airline or bus ticket
 - Cost of gas for a one-way trip



Relocation Issues

- More than one move now covered
- May take place long after crime
 - Program may ask for more information to assure crime-relatedness
- Covers any direct victim
 - Also surviving household members of a deceased victim
- Domestic violence and sexual assault victims must agree not to inform offender of new residence



Relocation Forms

- Relocation worksheet
- Law enforcement relocation benefit verification form
- Mental health provider relocation benefit verification form
- VCP rental verification or copy of lease
- W-9 Form needed to pay landlord directly
- <http://www.vcgcb.ca.gov/publications/compensation.aspx>



Coordinating Resources

- Section 8 housing assistance
- Domestic violence shelters
 - Transitional housing for domestic violence victims
- California witness protection program
 - Advocates may coordinate benefits if the claimant is eligible for both programs



The Advocate's Role in Relocation

- Help prepare relocation packet
 - Worksheet
 - Law enforcement or mental health determination
 - Rental agreement or lease
- Communicate with CalVCP
 - Claimant's needs and other circumstances
 - Address changes



Other CalVCP Benefits

- Crime Scene Cleanup (up to \$1,000)
- Home Security (up to \$1,000)
- Home and Vehicle Modification
- Job Retraining





Minor Witness

- For applications filed on or after January 1, 2009 a minor who suffers emotional injury as a direct result of witnessing a violent crime may receive up to \$5,000 for mental health counseling.
- Only the minor witness victim is eligible this benefit, not family members.



Typical Reimbursement Sources

- Health/Dental Insurance
- Medi-Cal or Medicare
- Workers Compensation



Other Reimbursement Sources

Other types of reimbursement sources that may become available AFTER the crime:

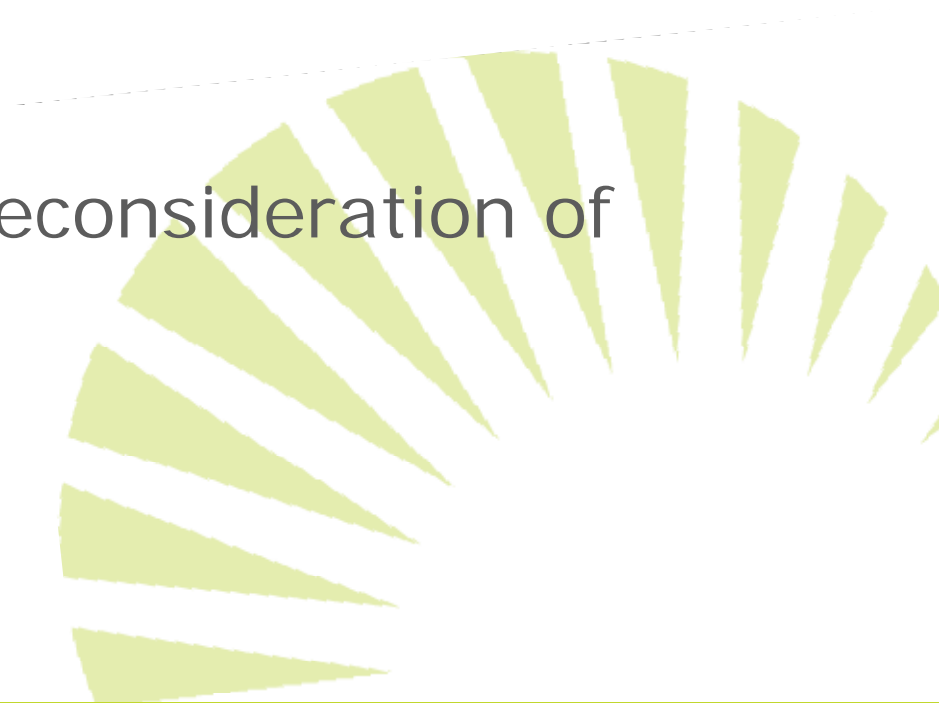
- Civil Suit
- Vehicle Insurance
- Business Insurance
- Homeowner's Insurance





Appeal Rights

- Claimant or Representative may appeal any recommendation for eligibility or bills
- 45 days to appeal
- 60 days to request reconsideration of decision





The Advocate's Role

- First point of contact
 - Historically, three-quarters of the applications submitted are represented by victim advocates
- Tell crime victims about how the program works
- Answer questions about:
 - Eligibility
 - Available benefits
 - Time Requirements



Delivering Compensation in CA

- Joint Powers Agreements
 - 21 satellite offices
 - Revolving funds for emergency payments
 - Also serve other counties
 - 46 counties submit applications via JP office
- 12 counties file applications directly with the VCGCB

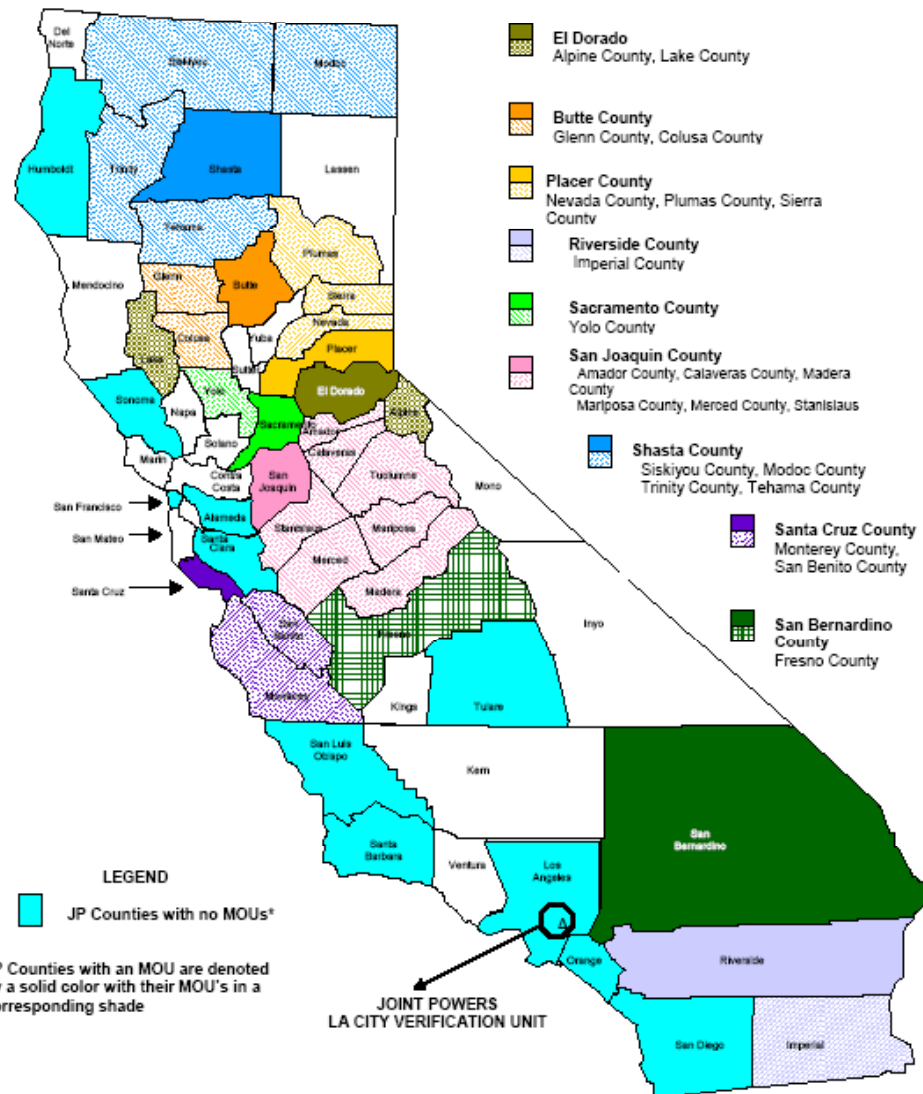


Joint Powers Verification Units

- Separation of duties
- Contracts
- Revolving fund
- Types of JPs
 - DA-based
 - Probation-based
 - CBO's



JOINT POWERS COUNTIES



*MOU: Memorandum of Understanding

January 31, 2008



Submitting the Application

- Counties served by JPs:
 - Follow the instructions provided by your local JP
- Filing direct with HQ:
 - Fax to: 1-866-902-8669
 - Mail to: Victim Compensation Program
PO BOX 3036
Sacramento, Ca. 95812-3036
 - Fax OR mail. DO NOT DO BOTH
- Advocate Liaison
 - Erik Labhard, 916-491-3604,
erik.labhard@vcgcb.ca.gov
 - Assists direct file counties



Recent CalVCP Developments

- CaRES
 - New database, rolled out statewide in 2007
- Advocate access to CaRES
- Piloting on-line access
 - Advocates in Solano, El Dorado, San Bernardino, Fresno, and Los Angeles
 - Providers





Where Our Money Comes From

No taxpayer funding

- Offenders – including traffic fines
- Restitution fines and orders
- Federal Victims of Crime Act (VOCA)
- Portion of state penalty assessments
- Growing partnerships to collect restitution
 - California Dept of Corrections & Rehabilitation
 - Franchise Tax Board
 - 25 CRC Contracts with County DAs

Cal VCP Criminal Restitution Compacts

County contracts with VCGCB for restitution specialists

- Monitor criminal cases in their county
- Work with the Board and the justice system to ensure fines and orders are imposed
- Provide restitution training to probation, district attorneys, public defenders, judges, and court personnel



10% Rebate Program

Incentive to counties to collect fines & orders

Rebate money must be used towards funding county restitution program

Collections were low at its inception in 1993- county restitution collections increased over 470%

Rebates to Counties in FY07-08 =

\$5.6 million



Good Samaritan Program

- The Good Samaritan Program may help pay for property damage, lost income, medical/dental and funeral/burial expenses to any private citizen who comes to the aid of a crime victim *or* assist another person in immediate danger of death or injury.
- *\$10,000 Benefit Limit*

GOOD
SAMARITAN
PROGRAM





Good Samaritan Program Qualifying Action

- *Preventing a crime;*
- *Assisting a law enforcement or public safety officer;*
- *Rescuing a victim of some other kind of incident of catastrophe;*
- *Or providing assistance after the fact if the victim's life is in immediate danger*

GOOD
SAMARITAN
PROGRAM





Verification

- *The appropriate law enforcement or public safety agency must provide a statement of corroboration and recommendation, verifying the basic facts of the incident and the claimant's role*

A large, stylized sunburst graphic in yellow-green, positioned behind the "GOOD SAMARITAN PROGRAM" text box.

GOOD
SAMARITAN
PROGRAM

ESTABLISHED
1982
VICTIM COMPENSATION
PROGRAM
CALIFORNIA

California Victim Compensation Program




Missing Children Rewards

- Missing Children Reward Program assists local law enforcement agencies and other parties in identification and recovery of missing children in California
 - Enhances non-state reward funds
 - Rewards individuals with up to \$500 for information leading to the location and recovery of a missing child listed in the California Department of Justice Missing Person Registry



- PULSE FORM



California Victim Compensation Program (CalVCP) Materials Request Form

CalVCP provides financial assistance to victims of violent crimes. The publications and materials below provide information for the public, healthcare providers, first responders, stakeholders and more.

There is no charge for materials, shipping or handling. Visit our website at www.calvcp.ca.gov to download many of these publications and more. Please contact CalVCP at 815-61-BADP or email pulse@calvcp.ca.gov for questions about large orders of publications.

| | | | |
|--|----------------|-------------------------------------|--|
| FRONT COVER NAME | | DATE REQUESTED | |
| REQUESTED BY | | DATE MATERIALS RETURNED BY | |
| ADDRESS ADDRESS (SEE PAGE 1) (PLEASE PRINT) | | SHIPPING METHOD (SURFACE AREA ONLY) | |
| CITY | STATE | FAX NUMBER (INCLUDE AREA CODE) | |
| JOB | CAREER ADDRESS | | |
| TITLE | | QTY * | |
| CalVCP Fact Sheet | | | |
| Crime Victims' Rights Act | | | |
| Victim Compensation Program Brochure (English) | | | |
| Victim Compensation Program Brochure (Spanish) | | | |
| You've Been Injured in a Crime? | | | |
| First Responder Card (English) | | | |
| First Responder Card (Spanish) | | | |
| Help for Victims of Hate Crime | | | |
| Heardme Provider Information | | | |
| Your Institution's Role in Responding to Victims | | | |
| Victim Compensation: Your Right to Appeal | | | |

For completed request return to:

(916) 491-6439

Or mail to:

CalVCP
Attn: Public Affairs
P.O. Box 48
Sacramento, CA 95812

* Please indicate requested quantities.

Revised 2015



For More Information Please Contact

The California Victim
Compensation Program at:

800.777.9229

www.calvcp.ca.gov

PublicAffairs@vcgcb.ca.gov

Additional Resources:

www.nacvcb.org

www.vcgcb.ca.gov

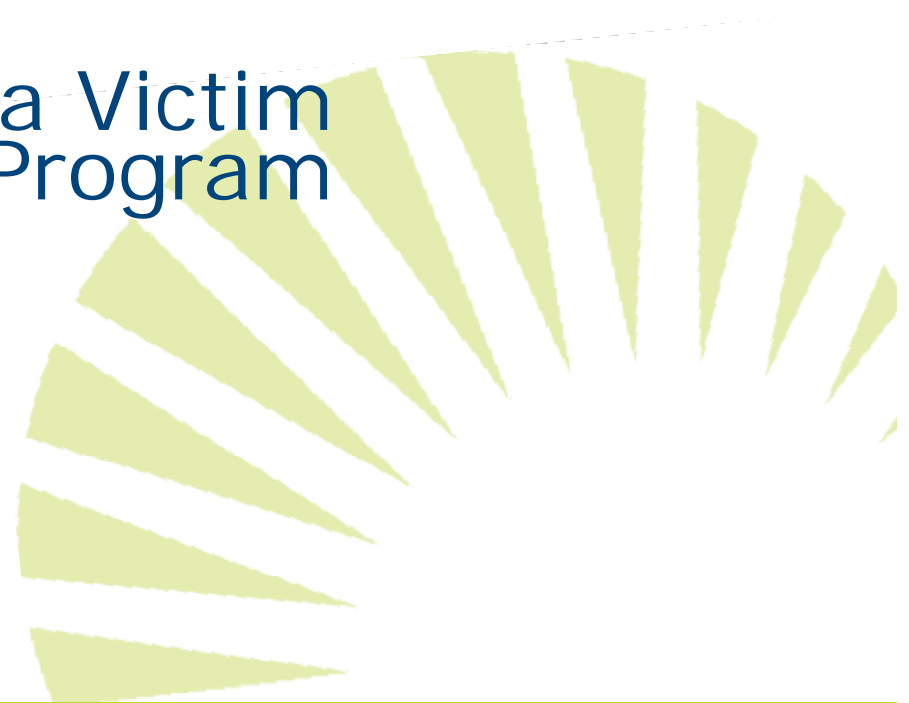


California Victim Compensation Program

C A L I F O R N I A
V C G C B
Victim Compensation & Government Claims Board

Thank you

California Victim
Compensation Program



California Victim Compensation Program

C A L I F O R N I A
V C G C B
Victim Compensation & Government Claims Board



"Local Services, Global Reach"

Questions?

Please submit your questions via your question feature on your toolbar.



*Thank you for joining today's
presentation*

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