



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

Washington Community Compensation Program

Considerations for Administrative Setup and Eligible
Expenses

May 9, 2024 | Robert Hamill, Project Manager, CSG Justice Center

Presentation Outline

I. Recap of March 14 Discussion

II. Expenses and Documentation

III. Retroactivity and Declined Cases

IV. Administrative Setup

Recap of Discussion during the March Meeting

- Maintain separation from current Washington State Victim Compensation Program.
- Make the application as short as possible and provide different methods for people to apply.
- Minimize burden on applicant to gather and submit information.

Recap of Discussion during the March Meeting

- Eligibility decisions should involve a two-step process: first, determine whether person meets requirements as a victim, and second, consider expenses.
- The program should minimize barriers to approval by creating waivers and avoiding assessments of the victim or claimant's conduct.
- The program should make payment directly to service providers for costs that are unpaid.

Presentation Outline

I. Recap of March 14 Discussion

II. Expenses and Documentation

III. Retroactivity and Declined Cases

IV. Administrative Setup

Eligible expenses—what should a program pay for?

- For violent crimes, matching eligible expenses and caps to the existing Washington Crime Victim Compensation Program would promote equitable compensation for victims of violent crime regardless of which program is handling their case.
- For property crimes, compensation could cover replacement costs of damaged or stolen property and costs to repair damaged items.

Expense documentation varies depending on type of payment.

- Use of standardized forms supports operational efficiency and auditing requirements.
- Forms should be limited to one page and request only essential information.
- Include a signature line for the person completing the form.
- Ask for other necessary documentation such as a billing statement or receipt to be included.

Expense documentation varies depending on type of payment.

- Examples of verification forms used by victim compensation programs:
 - Employer wage forms; medical and mental health provider expense forms, property replacement or repair forms completed by claimant
- Many compensation programs use “progress forms” to determine ongoing needs for mental health or psychiatric care.

Supporting documentation is necessary for public programs.

- Explanation of benefits from providers of medical and mental health treatment show patient responsibility and whether balance is paid and serve as back-up documentation for payments issued.
- Billing statements from other service providers show balance paid or amount due (e.g., cleaning or repair bill from a contractor or other service provider).

Victims often have ongoing expenses for medical and mental health treatment.

- When a victim identifies a provider of treatment, CCP should work directly with the provider's billing staff to process ongoing expenses.
- CCP can request that providers submit billing statements periodically for ongoing mental health treatment.
- Provider can note in its billing system that CCP is a payer on the victim's account.

Supporting documentation is necessary for public programs.

- Cases involving theft or property damage should have minimal restrictions on what can be compensated.

Collateral Sources

- Most compensation programs require certain collateral sources to consider expenses before they will pay.
 - Example: Health insurance
- Some collateral sources may be used optionally.
 - Example: Homeowners' or renters' insurance coverage
- Donations should not be considered a collateral source.

Presentation Outline

I. Recap of March 14 Discussion

II. Expenses and Documentation

III. Retroactivity and Declined Cases

IV. Administrative Setup

Considerations for Declined Cases and Retroactivity

- Declined cases—this is when juvenile court sends a case up to the adult court system.
 - Keeping cases that start in juvenile court with the new program will support ease of victim/claimant navigation of the system.
- Retroactivity—if existing restitution orders are eliminated by legislative change, the new program should pay the amounts ordered.

Presentation Outline

I. Recap of March 14 Discussion

II. Expenses and Documentation

III. Retroactivity and Declined Cases

IV. Administrative Setup

The Office of Victim Advocacy (OCVA) can serve as the administering agency.

- Through a request for proposals (RFP), OCVA can contract with a single organization that would manage day-to-day operations.
- OCVA would provide oversight, compliance, and best practices in victim assistance.
- OCVA can leverage its network of victim service providers to connect individuals with the program.

OCVA can establish advisory boards to assist with some aspects of program administration.

- An advisory board would provide diverse viewpoints and expert insight for the program.
- The advisory board's role could involve the following:
 - Approving of administrative rules or regulations
 - Ensuring the use of victim-centered approaches to serving people and policies are consistent with victim service standards in Washington
 - Hearing and deciding appeals.
- A separate board can assist with the developing the RFP to run the program and evaluating proposals submitted.

Monitoring and oversight should include a periodic review of cases and payments selected at random.

- Monitoring should review the decisions made by to ensure they follow statutes, administrative regulations, and operating procedures.
- This can be conducted by reviewing the supporting information for a random selection of cases.

The program should be required to submit performance metrics periodically.

- The number of cases received by type (i.e., violent offenses, property offenses, retroactive payments)
- Demographic characteristics of people applying.
- Amounts of compensation paid by case type
- The number of cases denied and reasons for denial
- Average number of days from application to decision
- Narrative questions identifying outreach and awareness strategies, administrative challenges (e.g., staffing shortages, program successes, enhancements or improvements, limitations)

The contracted organization would run daily operations.

- Maintain a database to assist with case management, record keeping, and performance reporting.
- Centralize application review and decision-making.
- Request necessary documentation and determine payments.
- Provide customer service and support.

At its start, the program may have three types of cases to handle.

- **Violent crimes**—cases where a person has experienced physical or emotional harm
- **Nonviolent crimes**—cases where a person experienced a loss of property resulting from the offense
- **Retroactive cases**—cases where restitution was ordered by the court before the program was created

Designate a separate team or section to handle each of the three case types.

- Cases involving violent offenses require a high level of care and communication and may be challenging.
- Property cases likely involve clearer documentation, and less follow-up to support payment, making the process easier.
- Retroactive cases likely require coordination with the court system and research to locate people who have been ordered restitution.

Cases involving violent offenses require a high level of care and communication and may be more challenging.

- People experiencing trauma may have difficulty following the program's processes and understanding what they need to do.
- Communication and customer service should be a high priority for staff handling cases for people who have experienced violent crime.
- Expenses from violent victimization may be ongoing (e.g., mental health counseling, physical therapy, missed work).

Property cases likely involve less documentation needed to support payments making them faster to process.

- Cases arising from property damage or theft are likely to involve one-time expenses.
- Insurance policies may cover some or all costs, and the program will need to determine whether filing an insurance claim is required.
 - Consider making insurance claim filing optional, but if the person chooses not to file a claim, the program will cover the amount of the deductible if they had chosen to file a claim.

Retroactive cases may require coordination with the criminal justice system and research to locate people who have been ordered restitution.

- If restitution orders are retroactively eliminated by a statutory change, the CCP may be tasked with paying amounts owed to victims.
- CCP will need this information to determine payment amounts on retroactive cases.

Retroactive cases may require coordination with the criminal justice system and research to locate people who have been ordered restitution.

- CCP staff handling retroactive cases will need to be able to locate people who have been ordered restitution but are not receiving payments.
- Purchasing subscriptions to databases would assist with locating individuals and corresponding with them about the CCP making a payment for their restitution order.

CCP should conduct outreach and awareness for retroactive cases and not require applications for those cases.

- When the CCP begins operating, the program should issue news releases and other public communication, such as social media posts, letting people know how they can be compensated for unpaid restitution.
- CCP should not require retroactive cases to apply to the program. This is because cases that led to court-ordered restitution have been resolved and their expenses verified by the court when it made the restitution order.

Questions and Discussion

Thank You!

Join our distribution list to receive updates and announcements:

<https://csgjusticecenter.org/resources/newsletters/>

For more information, please contact Robert Hamill at
rhamill@csg.org

The presentation was developed by members of The Council of State Governments Justice Center staff. The statements made reflect the views of the authors and should not be considered the official position of The Council of State Governments Justice Center, the members of The Council of State Governments, or the funding agency supporting the work.

© 2024 The Council of State Governments Justice Center