

**Community Compensation Program Workgroup**

**Meeting Summary**

**Thursday, May 9, 2024**

**3:00-5:00 PM | Via Microsoft Teams**

**Welcome**

Workgroup Co-Leads jd Nielsen and Heidi Sadri welcomed the group and attendees shared introductions via chat.

Attendees: jd Nielsen, Heidi Sadri, Robert Hamill, Norrie Gregoire, Larry Jefferson, Rami El Gharib, Molly Webster, Jonathan Stanbery, Whitney Qeral, Julian Cooper, Stephanie Budrus, Liz Mustin, Jenny Young, Prachi Dave, Nicholas Oakley, Gus Patel-Tupper, Giannina Ferrara, Izzy Eads, Judge Breean Beggs, Liz Trautman, Katie Hurley, Julissa Sanchez, Kelly Olson, Megan Allen, Mikah Semrow, Tiffany Attrill

March Meeting Recap:

- Input from youth from CHOOSE 180's Advocacy Program and Sexual Assault Service Providers Workgroup
- Presentation by Robert Hamill of Council of State Governments Justice Center covering recommendations for program eligibility, application process, relationship to existing Crime Victims Compensation Program, and incident verification

Timeline:

Heidi provided a reminder of the remaining project timeline and important dates:

5/9 Workgroup Meeting	Decide recommendations for expense verification & program administration
5/14	Heidi will send an outline of recommendations to the workgroup for review
5/23 Presentation to PCJJ	Workgroup members invited to join presentation for Partnership Council on Juvenile Justice (PCJJ)
<b>5/30</b>	<b>Deadline for feedback on recommendations outline</b>
6/14	Heidi will send a full draft of the report to the workgroup for review
<b>6/21</b>	<b>Deadline for feedback on full draft</b>
7/11 Workgroup Meeting	Approve final draft
Late July through October	Reviews by PCJJ and DCYF

**Youth Input: Justice for Girls GAIN Program at Echo Glen**

- Girls Advocacy & Impact Network (GAIN) is a program run by Justice for Girls that works with girls to build and use advocacy skills to identify priorities and influence policies that impact their lives and communities.
- Tristan Eddy, Hailey Gray, and Alexis Hale lead the Echo Glen GAIN group, and invited Heidi to join in March to discuss the PCJJ Community Compensation Program policy project.
- We met with nine girls and young women at Echo Glen ages 15-24. Several group members themselves owe restitution. The group had diverse and nuanced opinions about the role of restitution.
- To set up the discussion, we offered a hypothetical scenario where one young person harms another, the harm leads to financial losses and other ripple effects. We listed the expenses that resulted from the harm and described that the person who caused the harm goes through the legal system and is eventually ordered restitution that they can't afford to pay. We used this scenario to discuss issues with the current system of restitution.
- We then described that we are designing a Community Compensation Program that would take care of the harmed person's expenses and asked for their input on how that program should operate.
- Refer to the slides for a summary of the discussion.

Workgroup Discussion:

- Clarification: The feedback about a needs-based eligibility requirement is in reference to the person seeking restitution/Community Compensation.
- Gratitude to the group for raising restorative justice considerations, for their ability to see the whole picture, and for engaging in discussion about breaking out of cycles of trauma and harm.
- One young person called out that she owes tens of thousands of dollars in restitution, but that when she is released from JR she will have a juvenile record that she can't seal as long as she has outstanding restitution, so she will struggle to get a job and struggle to pay that restitution. This impacts her and the people to whom the restitution is owed.
- Acknowledge that a Community Compensation Program can help with financial restoration, but that is far from restorative justice. It could support other restorative justice approaches, but we should offer thoughtful discussion around what is and isn't restorative justice.

**Presentation & Recommendation Development: Expenses & Documentation, Retroactivity, Program Administration**

Robert Hamill of Council of State Governments (CSG) Justice Center presented best practices and recommendations for handling expenses and documentation, considering collateral sources, declined cases, retroactivity, program administration, structure, and case handling.

Goal: Consider Robert's recommendations and either adopt those as our own or discuss alternative recommendations.

Please refer to CSG slides.

Notes & Discussion:

- CSG will be providing data and cost analyses using Administrative Office of the Courts (AOC) data from the ongoing research on legal financial obligations being conducted by the Washington State Center for Court Research (WSCCR).
- Is there a best practice for property crimes where there are exceptional costs? For example, arson resulting in an entire house being burned down or a wildfire that caused \$200 million in damage.
  - o Insurance would cover the costs of the home and property in it. The Community Compensation Program should cover the deductible. In a situation where the loss is a smaller amount, the program should not require an insurance claim, but should only pay up to the amount of the deductible because that is what the individual would have been out-of-pocket had they chosen to file a claim. Insurance as a collateral source is covered more in later slides.
  - o We should consider a cap on compensation for property damage to limit the state's exposure in circumstances where there is an extensive cost even after insurance.
  - o Another option is that in cases of a mass violence incident or mass property crime incident, the state would be triggered to direct additional funding to a compensation program in response.
  - o Having AOC data will help us think about and respond to these scenarios.
- Will we be including language in the recommendations that the Community Compensation Program would be the payer of last resort?
  - o You want the program to be the payer of last resort in many circumstances but not necessarily all. For healthcare, it should be. For smaller expenses where the amount of the claim may be barely more than the deductible and cause a person's rates to go up, should let individual decide if they want to file a claim. Either way, the program should pay up to the amount of the deductible.
- Would there be a way to offer the presumption that the Program would cover a deductible so that there isn't a delay while a person is waiting to have their insurance consider their expenses?
  - o Could achieve this if the insurance policyholder can provide documentation showing the amount of their deductible or amount remaining on deductible. Program should feel comfortable paying out that amount to the individual.
- Regarding restitution, are we looking at all unpaid restitution forever, or just orders that are still active (meaning from past 10 years and/or have been extended)? These are the orders that are still enforceable per [RCW 13.40.190](#) (1)(d)
  - o We should include any restitution that is currently enforceable: under 10 years old or has been extended by a court.
  - o We can assume that the vast majority of restitution orders on juvenile cases that are over 10 years old are not enforceable. This should be the appropriate time period of data for cost analysis.
- Discussion of advisory board composition:
  - o OCVA is putting together an Advisory Collaborative of people with lived experiences of hurt and harm. This could be a good role for them.
  - o Would OCVA want criminal justice professionals on an advisory board? OCVA operates outside of a criminal justice paradigm. How relevant is that perspective to what we would be trying to achieve through a Community Compensation program?

- Would want to see diverse representation, equity, perspectives from rural areas that can speak to differences in need, people who are most impacted, people with lived experience.
  - Compensation, support and action are important – don't just listen.
- With regard to conducting outreach and awareness campaigns, OCVA has a large network of nearly grantee programs that provide services to victims of crime and could tap into that network to spread awareness. This includes presence in by-and-for communities, marginalized communities, rural areas, places where people are overrepresented in terms of harm and victimization and disconnected from resources. The focus of OCVA's Advisory Collaborative is uplifting and representing by-and-for communities.
- How might we think about phasing in or building up to scale without compromising on fundamental principles? What about prioritizing negotiables?
  - Could set aside the retroactive cases initially so that the program doesn't have thousands of cases on day one. Could delay the start on those and then introduce them gradually, oldest first. We will understand this better once we have the data.
  - For the sake of this workgroup's recommendations, we should start here with a very broad retroactivity recommendation.
- Thinking about retroactivity, how would we deal with the restitution order? Are there equity concerns for either the people ordered restitution or the people to whom restitution is owed?
  - With respect to clearing debt, nullifying orders, etc., that should be able to happen on a timeline independent from the phasing in of a Community Compensation Program's ability to handle retroactive cases. We would want to make sure that clerks aren't collecting on nullified restitution.
- For victims of sexual violence and other interpersonal crime, there are so many drop-off points or challenges in accessing compensation programs. Most victims of sexual violence in the juvenile system are juveniles themselves. It can be uniquely challenging and burdensome to navigate these processes and interface with bureaucratic systems about a deeply personal trauma. It impacts a person's view of the entire system and experience when they are being told that a program is here to respond to their needs but feels like interacting with any other difficult system.
  - The Crime Victims Compensation Program functions fairly well in terms of being able to pay medical providers directly so that people don't have to jump through endless hoops.
  - Drop-off points and barriers can cause people to become discouraged and give up before receiving compensation. This speaks to the importance of having an advocate help someone navigate the process.
  - This is also why the two-step process to (1) determine that the person has experienced harm, and then (2) deal with their expenses is important. This lets the system acknowledge and affirm up front that what the person experienced was real, that the program can help, and can be clear about exactly how/how much it can help.
- Would a person have to wait until the case is over for expenses to be paid? They should not have to wait for a conviction/adjudication that may never come.
  - A case entering or moving through the legal system would have no connection to an individual's eligibility for the Community Compensation Program.

- The Program should pay on an ongoing basis, ideally within 30 days and prioritize faster payments directly to individuals when they are out-of-pocket.

**Next Steps**

- May 14-30: Workgroup provide review & feedback on recommendations outline
- May 23 at 1:00: Presentation to PCJJ (workgroup attendance optional but welcome!)
- June 14-21: Workgroup provide review and feedback on full draft
- July 11 at 3:00: Last workgroup meeting, approve final draft

**Conclude**

**Next Meeting:**

**Thursday, July 11, 2024 | 3-5 PM | Via Microsoft Teams**