

SB

296

ALASKA STATE LEGISLATURE

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Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESIL MCGUIRE

SPONSOR STATEMENT

SB 296 – Crime Victim Compensation Fund

The Violent Crimes Compensation Board (VCCB) was established into law under AS 18.67 in 1972, to help mitigate the financial hardships innocent victims can suffer as a direct result of violent crime. The Board may compensate medical expenses, counseling costs, lost income, lost support, funeral expenses and/or other reasonable costs sustained by Alaskan victims of violent crimes. The VCCB awards approximately 85% of its budget directly to victims and/or their service providers. The average amount the Board awards annually based on the past four years is \$1,345,338.

Available revenues, set forth in statute, consist of refunds from providers, inmate salaries, restitution payments, Permanent Fund dividends, and payments made by VCCB claimants under their repayment agreements. However, none of these revenues are available for Board clients with all of these funds being deposited into the General Fund.

Had the Board been able to actually receive these funds into their budget, the Board would have recovered an additional sixty-cents on every dollar from federal grants from the U.S. Department of Justice, Office of Victims of Crime. Without any effort the VCCB would have gained almost one-million dollars in ten years.

SB 296 would create a non-general fund program definition for the Violent Crimes Compensation Board and thereby generate additional funds with no additional outlay of state funds.

How much is being spent a year by the Board?

The Violent Crimes Compensation Board awards approximately 85% of its budget directly to victims and/or their service providers. The average amount the Board awards annually based on the last four years is \$1,345,338. Board claimants live in all regions of the state including Alaska's remotest villages.

How much does the Board stand to gain if this bill were to pass and become law?

Over a ten year period (1996-2006) with no effort the Board received \$572,973.63 in revenues. These revenues consisted of refunds from providers when the Board made payments on behalf of victims for services such as for medical service and insurance later paid. Other revenues included in-mate salaries paid the Board under AS 33.30.201(c)(2), restitution payments paid the Board to reimburse awards made by the Board on behalf of the payees' victim(s), and payments made by Board claimants under their repayment agreements. None of this revenue was available for Board clients. All of these funds were deposited into the General Fund.

If the Board had actually been able to receive the \$572,973.63 into its budget and expended it on awards, the Board would have recovered an additional \$343,784.18 through its US Department of Justice, Office of Victims of Crime grant. This grant is only available to state crime victim compensation programs and matches sixty cents for every state dollar expended. This money could have either been awarded on behalf of victims or left in the fund to gain interest. This is revenue that could have been the Board's without any effort.

Therefore, without any effort the Board would have gained almost one million dollars in ten years. Once deposits can be made into the fund, it is reasonable to expect revenues to increase.

A couple of "client" profiles describing the crime that brought the victim in, what compensation was provided, if possible – how the money was spent, and how the victim benefited from the program.

The criminal case indicates there are three primary victims. The mother is listed as a victim of domestic violence and sexual assault. Her twenty-three year old daughter and her eighteen year old daughter are listed as victims of incest. The offender in the case is the husband/biological father. Once tried, it is expected he will get a long sentence. He is currently incarcerated awaiting trial. The family was supported by the suspect. The mother has gotten a part-time job. The eldest daughter has gotten a job and is living on her own. In addition to herself, the mother must now support four minor children. Several of her children are too young to be unsupervised. The family submitted applications to the Board while in a DV shelter. The Board is paying for counseling for the family. The Board is helping the family to plan for their future without the offending parent. The Board is paying to relocate them to a supportive location of their choice. The Board is paying for job training and crisis intervention-transitional assistance. The Board reimbursed wages lost to participate in prosecution processes and receive counseling. The Board provided a list of licensed childcare facilities in their area and agreed to pay for childcare for up to one year while the family gets on their feet.

Mary, Lisa, and John were sitting in the front seat of their vehicle traveling towards Palmer when an intoxicated driver crossed over into their lane of traffic. All three suffered serious injuries. Emergency responders didn't realize that Mary and John's son, John Jr. was in the vehicle's back seat. The vehicle caught on fire and the child died. The Board helped with funeral expenses and out-of-pocket medical costs. The Board helped in other ways and received a letter from Mary stating that she would not have been able to go on had it not been for the Board's help. She especially appreciated being able to purchase the wig that has helped her to feel "normal."

**Info provided by the Violent
Crimes Compensation Board**

**STATE OF ALASKA
VIOLENT CRIMES COMPENSATION BOARD**

FACT:

- There are currently no victim assistance programs funded by the state to help victims of drunk drivers;
- The State of Alaska currently relies upon federal funding to cover the costs of its' forensic sexual assault exams;
- There is currently no program funded by the state whose focus is male adult victimization, child victimization, or victimization resultant from any type of crime except for domestic violence and sexual assault;
- Alaskan crime victims are living in remote locations with no existing referral resources;
- Many of Alaska's crime victims live in remote locations and often they have no access to any service and law enforcement presence is unavailable;
- The State of Alaska's crime victims' compensation program currently has no way to accept donations;
- The State of Alaska's crime victims' compensation program currently has no way to accept funds court ordered to be paid to the program in reimbursement for funds paid out;
- One Alaskan case prosecuted in the federal court netted a handful of victims more then the state had available for all victims statewide by the program in the same year

**STATE OF ALASKA
VIOLENT CRIMES COMPENSATION BOARD
CRIME VICTIM COMPENSATION FUND**

CHART 1

In 1997, the Board started tracking Board revenues. The Board made no effort whatsoever to obtain these revenues. Without any effort, the Board's revenue between 1996 and 2006 was \$572,973.63. These revenues consisted of refunds from providers when the Board made payments on behalf of victims for services such as for medical service and insurance later paid. Other revenues included in-mate salaries paid the Board under AS 33.30.201(c)(2), restitution payments paid the Board to reimburse awards made by the Board on behalf of the payees' victim(s), and payments made by Board claimants under their repayment agreements. None of this revenue was available for Board clients. All of these funds were deposited into the General Fund.

CHART 2

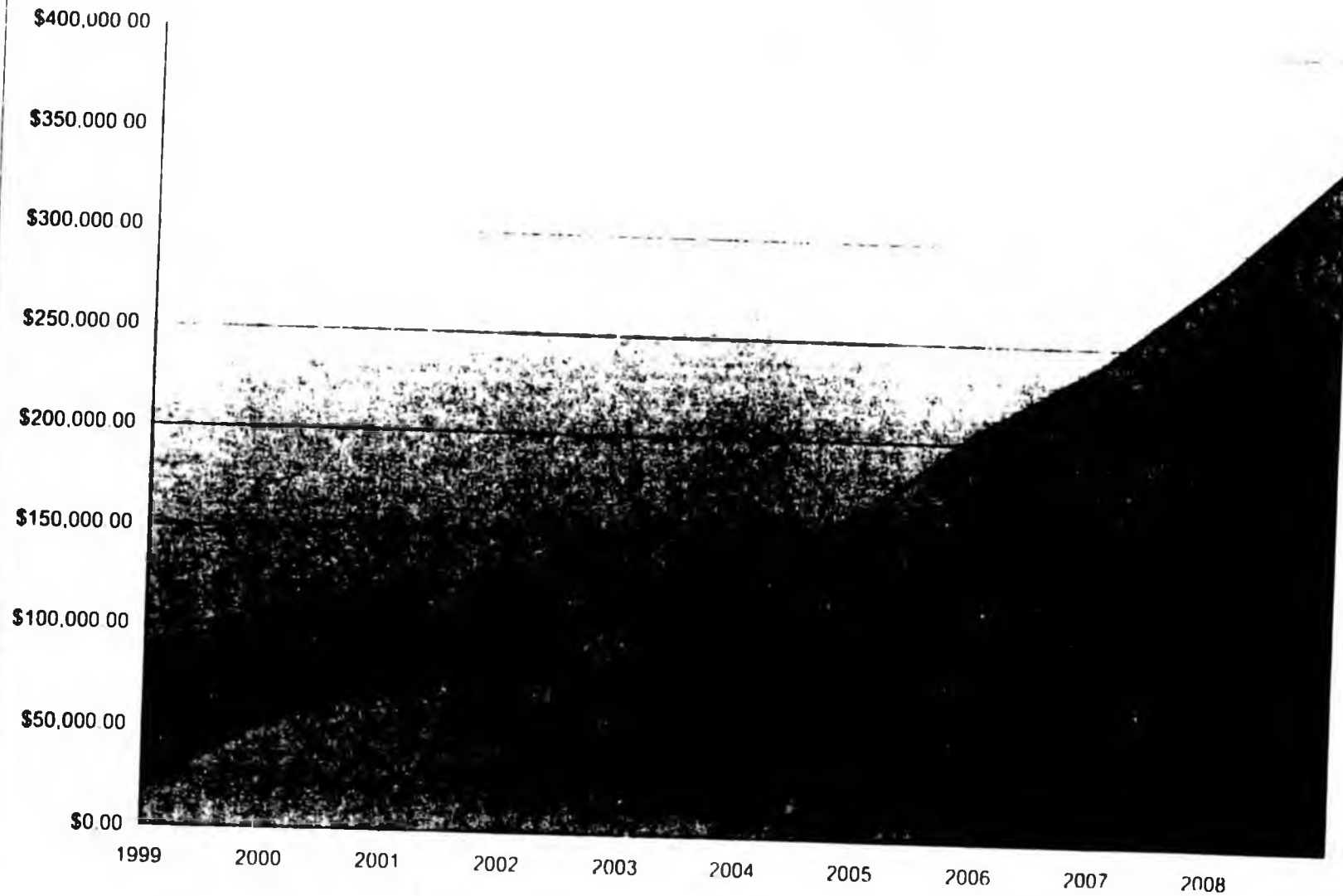
For every dollar the Board expends on crime victims, the Board recovers sixty cents through an annual federal grant from the US Department of Justice, Office of Victims of Crime Fund. This Fund is comprised of fines and assessments against federal criminals. If the Board had been allowed to receive and expend its' revenues since 1996, with the matching grant that the Board would have received, additional revenues would have reached almost one million dollars.

CHART 3

If the Board would have been able to receive its' revenues since 1996 and deposits could have been made into the Crime Victim Compensation Fund, the Board would have had \$572,973.63 additional to award victims. If the Board had awarded those revenues, the Fund balance in 2007 would have been \$343,784.18. This number does not include interest which most certainly a Fund of this nature would garner. These funds would have been available for victims without ANY EFFORT.

WITH EFFORT it is conceivable the Fund would have been much larger. The monies in the Fund could be used to fund services beyond those currently covered by the Board. For example, the funds could be used to increase crime prevention programs, to provide victim recovery services, to pay for forensic sexual assault exams and train forensic nurses, and/or to fund additional law enforcement officers or prosecutors.

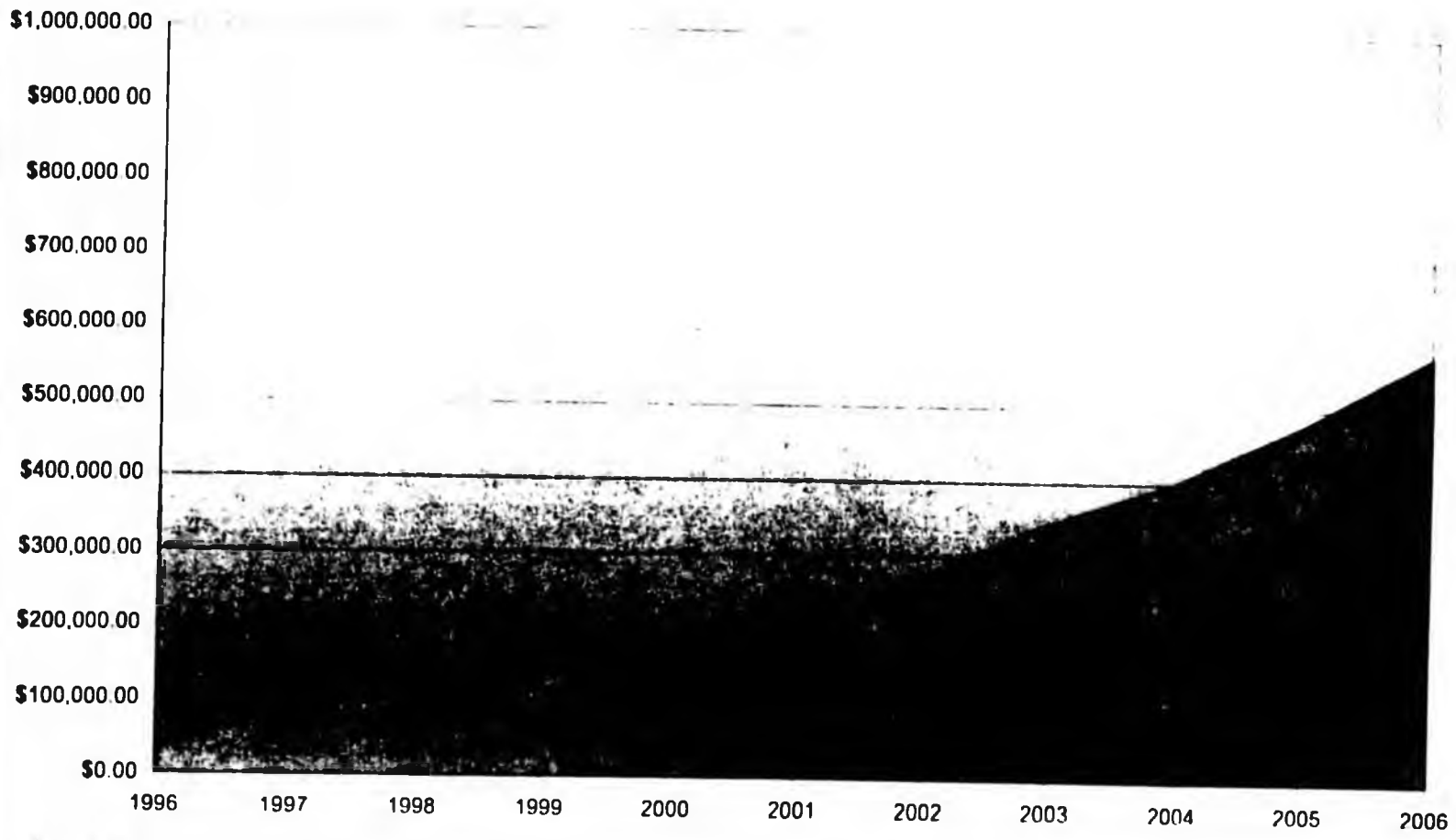
State of Alaska
Crime Victim Compensation Fund Balances
(If Deposits Could Have Been made)



■ This chart does not include potential interest

Department of Admin . VCCB 465 3040

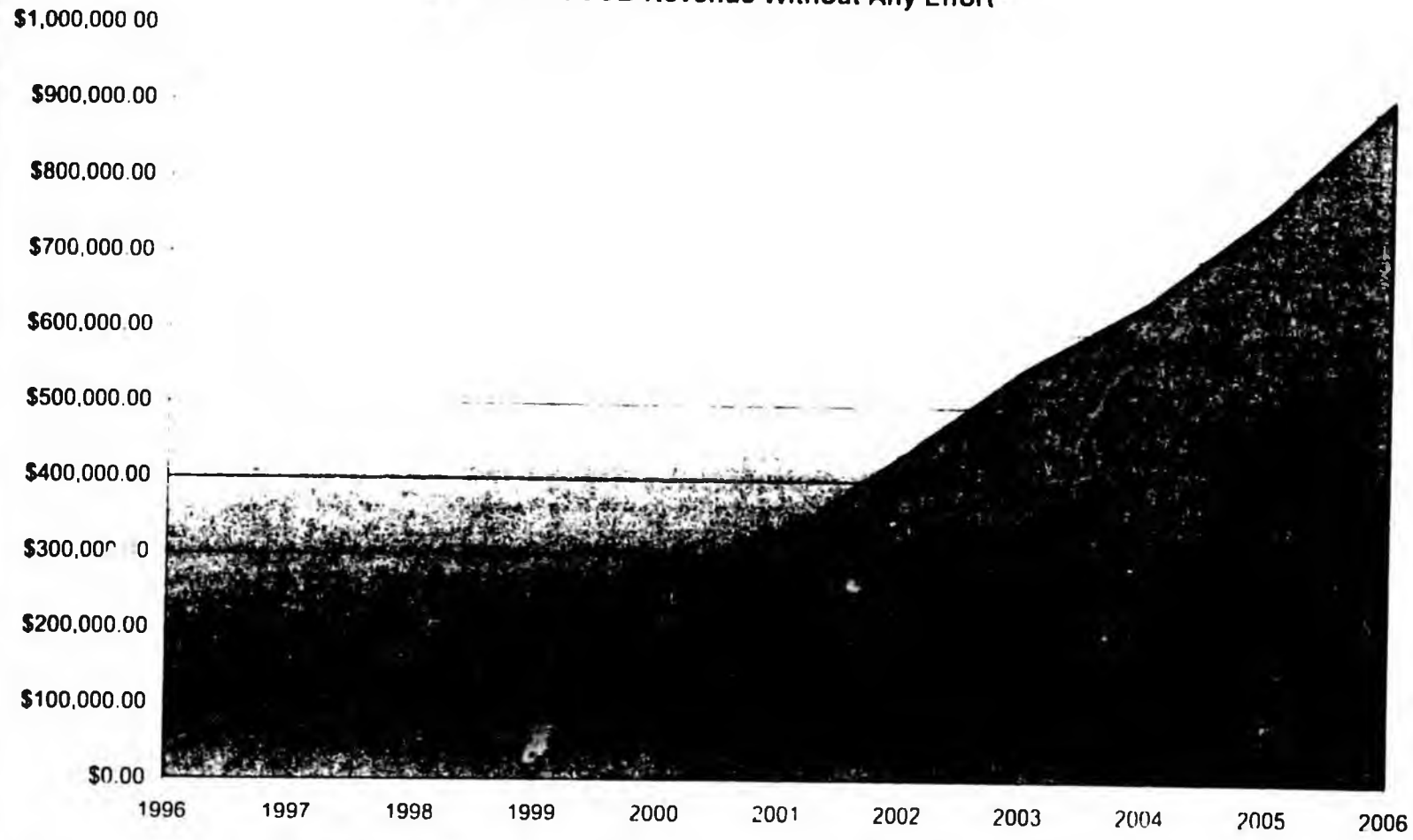
**Violent Crimes Compensation Board
Unrestricted Revenue
"VCCB Revenue Without Any Effort"**



■ Violent Crimes Compensation Board Unrestricted Revenue VCCB Revenue Without Any Effort NOT AVAILABLE FOR VICTIMS

Department of Admin . VCCB. 465-3040

**Violent Crimes Compensation Board
Unrestricted Revenue
"Potential VCCB Revenue Without Any Effort"**



VCCB Revenue with Matching Federal Grant NOT AVAILABLE FOR VICTIMS
 VCCB Revenue State Funds NOT AVAILABLE FOR VICTIMS

2007

**STATE OF ALASKA
VIOLENT CRIMES COMPENSATION BOARD
THIRTY-FOURTH ANNUAL REPORT**

GERAD GODFREY
Chair

REGINA CHENNAULT,
MD
Member

LEROY BARKER, ESQ.
Member

THE HONORABLE SARAH PALIN
GOVERNOR OF THE STATE OF ALASKA

MEMBERS OF THE ALASKA STATE LEGISLATURE

Ladies and Gentlemen:

We are pleased to submit the Thirty-Fourth Annual Report of the Violent Crimes Compensation Board for the period July 1, 2006 through June 30, 2007. This annual report is submitted to meet the requirements of Alaska Statute 18.67.170 and to highlight the efforts of Governor Sarah Palin, the members of the Twenty-Fifth Legislature, law enforcement, public and private persons and agencies, and the Violent Crimes Compensation Board in helping innocent victims of violent crimes to pick up the pieces. While monetary compensation for losses does not make whole lives torn by violence, financial help does lessen the burden and can provide hope. The Violent Crimes Compensation Board and staff are thankful for the opportunity to serve the people of Alaska.

Respectfully,

The Violent Crimes Compensation Board

2007

**STATE OF ALASKA
VIOLENT CRIMES COMPENSATION BOARD
THIRTY-FOURTH ANNUAL REPORT**

BOARD MEMBERS

Chairperson and Public Member

Gerad Godfrey

February 19, 2003 to March 1, 2010

Member

Leroy Barker, Esq.

February 19, 2003 to March 1, 2008

Regina C. Chennault, MD

October 18, 2005 to March 1, 2009

BOARD ADMINISTRATIVE STAFF

Administrator

Susan L. Browne

Administrative Manager

Pearl Younker

Criminal Justice Technician

Jeffrey Boucher

**STATE OF ALASKA
VIOLENT CRIMES COMPENSATION BOARD
THIRY-FOURTH ANNUAL REPORT**

WHY WAS THE VCCB ESTABLISHED?

The Violent Crimes Compensation Board (VCCB) was established by state law in 1972 to help mitigate the financial hardships innocent victims can suffer as a direct result of violent crime. As a key element in the recovery process, the VCCB provides timely financial help to victims in need and plays a crucial role in helping victims recover from the trauma and economic burden of criminal victimization.

The Board makes awards in a number of ways on behalf of innocent victims of certain violent crimes which occur in Alaska. The Board may compensate medical expenses, counseling costs, lost income, lost support, funeral expenses and/or other reasonable expenses and losses sustained by innocent victims of violent crimes in Alaska. The Board may also compensate similar losses sustained by Alaskans who are victims of violent crime in locations without a compensation program.

The Board provides for the payment of pecuniary loss to dependents of deceased victims and may award the full compensation available by statute to victims who are permanently disabled as a direct result of the crime. The program is a payer of last source. Compensation is awarded only for expenses not covered by a collateral source such as medical and automobile insurance, employee benefits, and assistance programs.

During this reporting period, the Board paid costs compensable under AS 18.67 on 386 cases involving victims age 17 and under and 416 cases involving adult victimization.

WHO IS HELPED BY THE VCCB?

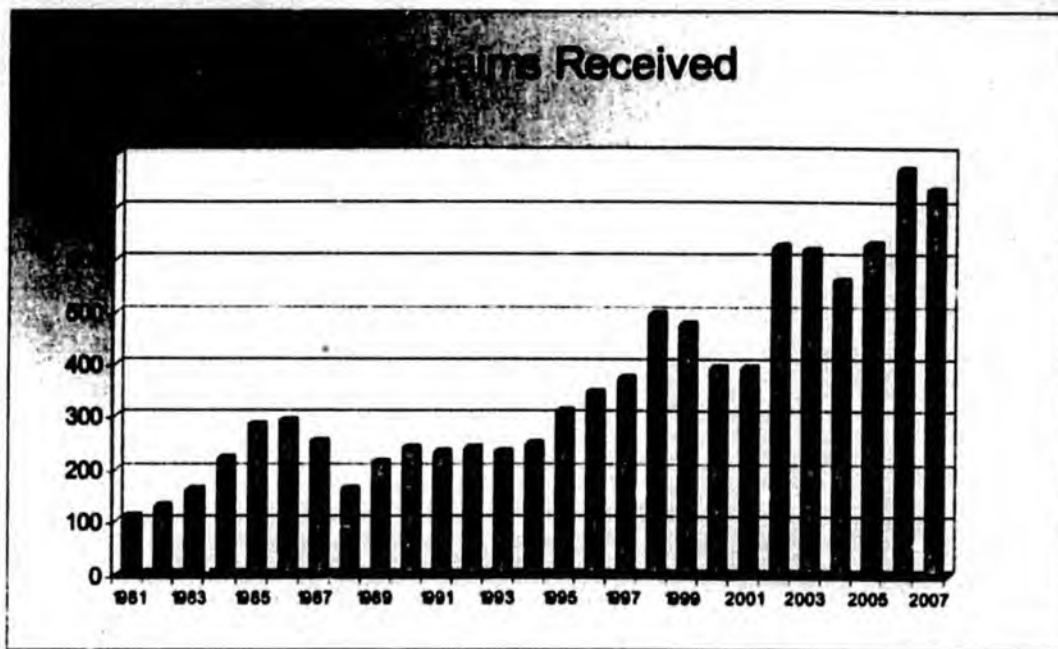
The VCCB attempts to mitigate the financial and emotional toll violent crime causes Alaskans and visitors to Alaska. The VCCB addresses the needs of innocent victims of violent crimes, the families of violent crime victims, and others who by virtue of their relationship to a crime victim incur losses. The Board considers applications (requests for compensation) based on violent crimes including homicide, assault in any degree, sexual assault, sexual abuse of a minor, child abuse and neglect, robbery in any degree, threats to do bodily harm, crashes involving intoxicated drivers (vehicles, boats, and airplanes), vehicular incidents in which a vehicle has been used as a weapon, terrorism, hit and run and trafficking in persons. The Board does not compensate loss or damage to personal property except in extreme circumstances where the safety of a victim could be in jeopardy. In those instances, the Board may replace locks and doors, pay for emergency cell phone or mail box service, and/or pay for security system costs.

The families of homicide and manslaughter victims can receive compensation through the program for funeral expenses, lost support, and other compensable expenses. Family members may submit copies of transportation and funeral cost receipts to the Board for consideration of reimbursement. Family members may seek the payment of counseling costs too. The Board is financially unable to make any "pain and suffering" awards.

Persons who by virtue of their relationship to the victim have incurred reasonable expenses may also apply for compensation. For example, relatives of a minor child who is an innocent victim of an eligible crime may apply for compensation of expenses incurred as a direct result of the crime. Eligible relatives include spouses, parents, grandparents, step-parents, natural born children, step-children, adopted children, brothers, sisters, half brothers, or spouse's parents. The Board considers equally claims based on applications from Alaskans victimized in Alaska, Alaskan visitors victimized while in Alaska, and Alaskans victimized in locations without a crime victim compensation program.

2007

Between July 1, 2006 and June 30, 2007, under the leadership of the Board, the State of Alaska continued in its commitment to serve innocent victims of criminal violence who may have suffered physical injury, emotional and mental trauma and/or financial loss. The Board considers an ever-increasing number of requests for crime victim compensation. Since 1985, the trend has been for the number of applications received to increase each year over the prior year(s). The following table illustrates this trend:



The Board receives applications for compensation from all regions of the state. The following table shows the number of applications received during the reporting period by location.

SFY2007

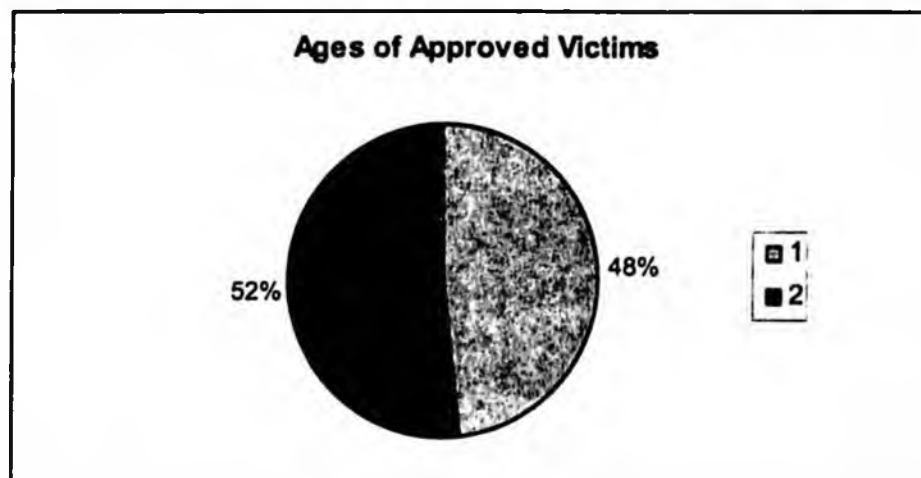
Adak	1	Elim	5	Kiana	2	Sitka	3
Akiak	1	Emmonak	3	King Cove	1	Skagway	2
Aleknagik	1	Fairbanks	65	Kivalina	7	Soldotna	14
Allakaket	2	Fort Richardson	2	Kodiak	9	Saint Paul	7
Anchorage	317	Fort Yukon	1	Kotlik	1	Sutton	4
Anchor Point	2	Grayling	1	Kotzebue	1	Talkeetna	6
Atmautluak	1	Haines	1	Kwethluk	2	Tok	1
Barrow	10	Healy	1	Mountain Village	2	Tooksook Bay	3
Beluga	2	Homer	31	Newtok	2	Trapper Creek	1
Bethel	9	Hoonah	1	Nikiski	3	Tuluksak	2
Big Lake	2	Hooper Bay	2	Nikolai	2	Tyonek	2
Cohoe	2	Houston	1	North Pole	3	Unalaska	2
Cordova	1	Indian	1	Palmer	12	Venetie	1
Craig	1	Juneau	36	Petersburg	2	Wainwright	4
Douglas	1	Kake	3	Point Hope	3	Wales	3
Dot Lake	1	Kalskag	2	Salcha	4	Ward Cove	2
Dutch Harbor	3	Kasilof	3	Sand Point	1	Wasilla	32
Eagle River	6	Kenai	33	Selawik	2	Willow	2
Ekwok	1	Ketchikan	13	Seward	9	Wrangell	1
		Total Alaska	637				
		Iraq	1				
		Macedonia	1				
		Mexico	1				
		TOTAL	640				

The following charts show how the funds were paid out during this reporting period, by resident and non-resident, age of victim, type of crime and type of service.

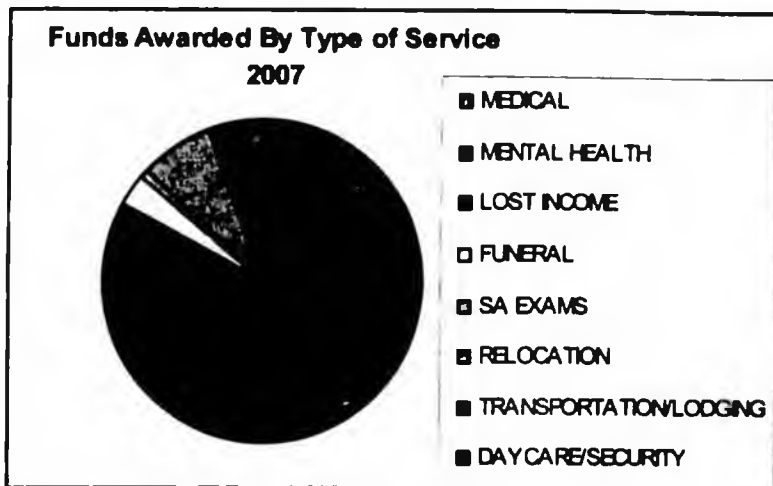
**VIOLENT CRIMES COMPENSATION BOARD
AWARDS - 2007**



**VIOLENT CRIMES COMPENSATION BOARD
AWARDS - 2007**



48% of Claims Approved Involved Victims Age 17 and Under
52% of Claims Approved Involved Victims Age 17 and Over



SERVICE	AMOUNT
MEDICAL	\$432,431.92
MENTAL HEALTH	\$70,473.63
LOST INCOME	\$597,343.45
FUNERAL	\$42,762.09
SA EXAMS	\$10,092.89
RELOCATION	\$99,030.35
TRANSPORTATION/LODGING	\$40,413.96
DAYCARE/SECURITY	\$34,956.02
TOTAL	\$1,327,334.31

AWARD TREND 2007

During this reporting period, the medical costs awarded by the Board were the lowest in eight years or more. The Board continued to negotiate settlements on medical costs in excess of five thousand dollars and to seek payment by other possible sources first. The amount paid for counseling and mental health treatment was also the lowest in eight years. The Board continued its policy of limiting counseling sessions to one hundred dollars per session and to ensure other sources of payment paid first.

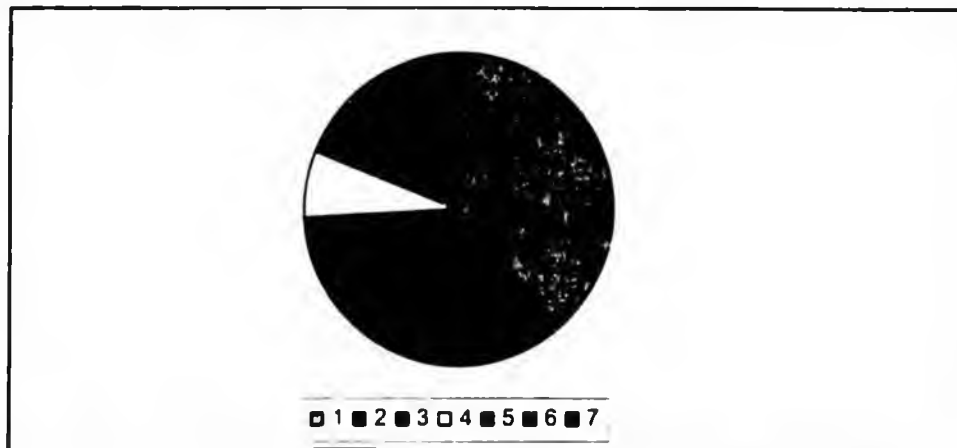
During 2007, the Board awarded more lost income than the prior year and of the past eight award years, 2007 ranked as the second highest in loss of income awards. The Board formally adopted the policy of awarding lost income before medical costs during this reporting period. For example, if an eligible claimant submitted documentation

providing evidence of more than forty thousand dollars in lost wages due to the injury incurred and more than forty thousand in related medical expenses, by policy the Board will award the lost wages first.

During the reporting period, the Board awarded slightly more sexual assault examination related costs and an average amount on funeral related costs. There was an approximate fifty percent decrease in relocation related expenses awarded over the prior year and the lowest amount awarded for these losses since the Board adopted the policy of making this type of award. There was also a drop in transportation and lodging related reimbursements. This decline is the result of stringent documentation requirements placed on Board awards during this reporting period.

Overall, awards made in 2007 were slightly higher than in 2006 and slightly above average. It was the first year that the Board awarded losses for services such as daycare and security.

FUNDS AWARDED BY TYPE OF CRIME



1	ASSAULT	2	DV ASSAULT	3	HOMICIDE
4	SEXUAL ABUSE	5	CHILD ABUSE/SAM	6	DUI/DWI
7		7	OTHER (Robbery, Kidnapping, Arson, Terrorism)		

AWARD TREND 2007

During the reporting period, thirty-six percent more funding was paid out to or on behalf of assault victims over the prior year and twenty-seven percent more on behalf of homicide victims and their families. The period saw a reduction in awards made on behalf of domestic violence victims, sexual abuse of minor victims, and victims of DUI

crashes.

In comparison to awards statistics over the last eight years, here then average awards were made to and on behalf of families of homicide victims, sexual abuse of minor and sexual assault victims in 2007. The percentage of the budget awarded on behalf of each type of crime victim has remained relatively stable over the course of the last eight years. In 2007, thirty-nine percent of the total awarded was paid out to or on behalf of assault victims, twenty-nine percent on behalf of homicide victims, fifteen percent on behalf of sexual assault and sexual abuse of minor victims, eight percent on behalf of victims of DUI drivers, six percent on behalf of victims of domestic violence, and the remaining three percent on behalf of victims of robbery, stalking, terrorism, arson, kidnapping, and other violent crimes.

Negotiated Settlements

In SFY07, the Violent Crimes Compensation Board continued practices designed to ensure the success of the development and establishment of the Victim Restoration Program. This program ensures the maximization of limited resources through receipt of restitution, subrogation, and settlement agreements. Board staff began to identify extraordinary medical costs on an individual services/provider basis. During the time period of this report, staff negotiated agreements with medical providers to accept partial payments as payment in full.

The purpose of the negotiations is two-fold. First, negotiating settlements ensures innocent victims of violent crimes are not further traumatized by being penalized with late payments or for debt transference to collection agencies. In addition, garnering agreements with providers to accept partial payments as payment in full stretches the Board's limited resources to serve more victims and claimants eligible for compensation under Alaskan law.

During this time period, Board staff successfully negotiated twenty medical bills for a total savings of \$207,791.76. This was an almost 300% increase in the number of negotiations and 763% increase in the amount saved.

FUNDING SOURCES/RESTORATIVE JUSTICE

The state's violent crimes compensation program is funded through both state and federal funds. Approximately 56% of the amount awarded annually in compensation comes from a legislative appropriation of state funds. These state funds are currently available because Permanent Fund dividends are withheld from certain persons convicted of crimes in Alaskan courts and earmarked for use by victim-focused programs such as the crime victim compensation program.

In 1984, federal legislation established a Crime Victims Fund. Monies from this fund are available for distribution by state compensation programs. Alaska's compensation program must qualify annually for federal grants and has done so successfully since the federal fund's inception. Approximately 44% of the funds awarded annually come from this fund.

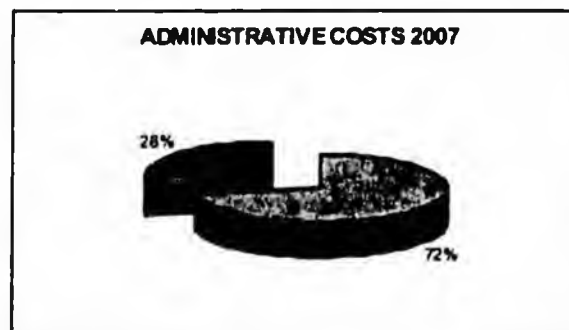
In 1996, Board staff began tracking unrestricted revenues paid to the Board, but unavailable for award to victims. This court ordered restitution, income from inmates working in correctional industries programs, and refunds from the exercise of the state's subrogation rights could provide additional state funds for award to victims and their service providers. Adopting the principles of restorative justice, the Board is committed to condemning the criminal act and holding offenders accountable. The Board understands that a violent criminal act is an act against individuals and not just against the community or the State. Therefore, Board staff continue to track and monitor offender restitution to the Board. The Board continues to seek support for the legislation necessary to implement a State Crime Victim Compensation Fund.

MINOR TRUSTS

During the time period of this report, the Board moved the monies that were being held on behalf of minor dependents of homicide victims into interest bearing money market accounts. This facilitated the establishment of additional "minor trusts" and as of the close of this reporting period, the Board had established twenty-three such accounts in the total amount of \$470,403.70. Annual payments are generated out of these accounts and sent directly to the legal guardians of the minor child to replace lost support.

FUNDING SOURCES AND ACTUAL EXPENDITURES

The greatest portion of the compensation program's budget serves eligible innocent victims directly. Awards are made to compensate expenses and losses. The following chart illustrates the Board's commitment to keeping administrative costs at a minimum which enables maximum compensation to victims for eligible costs. This practice makes more funds available for direct award to victims and their service providers.



Administrative Costs are 26% of the programs budget.

BOARD PROCEDURES

The VCCB is composed of three members appointed by the Governor and confirmed by the legislature. By statute, one member is a medical or osteopathic physician licensed to practice in the state and one member is an attorney. Prior to recent legislative action, the medical doctor and attorney member were statutorily required to be actively practicing their profession. The Board recognized that this limitation disqualified a tremendous potential resource for victims. Therefore, the Board sought the support of the administration and state legislature to change the law. The Board was successful and the law has been changed. The law now allows retired doctors and attorneys to serve on the Board. Members of the Board receive no salary, and their only compensation is in the knowledge that they have served innocent victims.

The Board administrator makes recommendations on all determinations and has the authority to close certain types of claims. The Board meets four to six times in a calendar year to consider all pending claims and claims up for additional consideration. All Board decisions are final except as otherwise noted.

The Board has the legal authority to appoint one or more hearing officers to conduct hearings. During this reporting period, the Board utilized the services of the Department of Administration, Office of Administrative Appeal, Administrative Law Judge(s). All appeals follow a prescribed legal process. For further information, please visit our website at www.state.ak.us/admin/vccb or contact Board staff for a copy of the Legal Appeal Pamphlet.

The Administrative Law Judge and the Board Administrator act in concert to ensure all pertinent information and testimony are included in the hearing record. The Administrative Law Judge reports his or her findings of fact and conclusions of law to the Board and the Board acts based upon due consideration of the report and the evidence. The authority for final decisions rests with the Board.

The Board may appoint and fix the duties of personnel necessary to carry out its functions. In 2006, day-to-day program management was performed by Susan Browne, Administrator, and staff.

OUTREACH

The Board continues to work with law enforcement, victim assistance agencies, prosecuting officials, service providers and other persons and agencies to ensure crime victims are informed of their rights to compensation under Alaskan law. In 2007, outreach efforts focused upon the formation of the Helping Hands – Healing Hearts Victim Recovery Project Working Committee.

HELPING HANDS - HEALING HEARTS VICTIM RECOVERY PROJECT WORKING GROUP

Mission: The mission of the **Helping Hands-Healing Hearts Victim Recovery Working Group** is to facilitate communication and cooperation between government, secular victim service, faith based and community organizations to promote crime victim advocacy by faith based and community organizations while ensuring crime victims have informed and complete access to victim recovery services.

Partners: The **Alaska Office of Victims' Rights (OVR)** is a state government agency of the Alaska Legislature. The mission of OVR is to provide legal service and advocacy to protect the legal rights of crime victims during the criminal process. When a victim believes a legal right has been or may be denied, the OVR provides legal services free of charge, upon request, to a victim of a felony crime and to victims of Class A misdemeanor crimes of domestic violence and crimes against a person. For more information contact the OVR at 1 (866) 274-2620 (toll-free within Alaska) or go to www.ovr.legis.state.ak.us

The mission of the **Alaska Office of Faith-Based and Community Initiatives (OFBCI)** created by Administrative Order in 2004 and housed in Department of Health and Social Services is to foster partnerships between and among government, faith and community Groups, build the capacity of faith-based and community organizations, and to expand awareness by educating government agencies, faith-based and community organizations and the public about FBCI contributions, opportunities and issues that impact Alaskans in need.

The mission of the **State of Alaska, Department of Administration, Violent Crimes Compensation Board (VCCB)**

established by legislative act in 1973 is to assist crime victims and their families in the recovery process through the restoration of stability and the mitigation of financial loss. The VCCB can be contacted toll free at 1-800-764-3040, on-line at state.ak.us/local/akpages/ADMIN/vccb/ or by mail at PO Box 110230, Juneau, AK. 99811-0230.

The mission of the **Municipal (Anchorage) Department of Health and Human Services' Interpersonal Violence Prevention Program (DHHS/IVP)** is to coordinate with the community to develop prevention and intervention strategies in the areas of interpersonal violence, which includes domestic violence, sexual assault, and child abuse and neglect. The program is housed in the Administration Division, under the direction of the Deputy Director.

The mission of **Victims for Justice (VFJ)** is to serve victims of violent crime and the survivors of homicide victims. VFJ is a non-profit organization that provides services and advocacy to victims of violent crime, such as grief support, court accompaniment, assistance with Victim Impact Statements and more.

In April, 2007, during Alaska's Crime Victims' Rights' Week, the committee hosted the first annual Helping Hands – Healing Hearts Victim Recovery Project conference. The Board distributed information to a wide variety of audiences and provided specialized training to Council on Domestic Violence and Sexual Assault programs.

The Board continued to spearhead efforts to highlight victims' rights by sponsoring several events during Crime Victims' Rights Week.

To obtain program brochures, order posters for display or a copy of the program's training video, call the Board at 800-764-3040, or from Juneau call 465-3040. In addition, the State of Alaska Violent Crimes Compensation Board Mental Health Treatment Guidelines publication is also available at no charge.

CLAIMS PROCESSING

When a claim is received, minimum eligibility is determined as soon as possible. The claim must be related to one of the crimes listed by statute as compensable. The crime must have been reported to proper authorities within five days of the incident or as soon as it could reasonably have been reported. By statute, the application must have been received by the Board within two years of the incident. However, the Board has the discretionary authority to waive the time filing requirement with just cause. The claimant must have agreed to the state's repayment and subrogation agreement and must have given permission to the compensation program to seek and exchange necessary information.

Usually the same day an application is received, claim documentation begins and requests for information are sent to hospitals, doctors, employers, and other pertinent sources. The purpose of the information gathering process is to ensure claim compliance with all statutory requirements.

Staff maintains a close liaison with relevant law enforcement agencies and District Attorney's offices through out the claim verification process. The losses which may be compensated are listed in Alaskan law (AS 18.67). The losses must be a direct result of the crime on which the claim is based. Other collateral sources such as Workers' Compensation, Social Security, and medical insurance are considered, as the Board awards compensation only for expenses and losses not covered through other sources.

Once the Administrator has certified the file as complete, she reviews the claim and prepares a recommendation to the Board. All claim decisions except for emergency award requests are made at Board meetings. The Board makes the claim determination and may conclude any of the following:

- ◆ The claim cannot be determined due to lack of documentation, and repeated requests for further information have yielded no results – claim is deferred;
- ◆ The claim is eligible for compensation of the full amount requested or for a lesser amount than requested in which case the claimant is notified of the opportunity for a hearing – claim is awarded;
- ◆ The claim cannot be determined due to conflicting information and advises a hearing is required prior to a final decision – claim is sent to hearing; or
- ◆ The claim is ineligible for compensation by statute and advises the claimant should be notified of the statutory basis for the denial and informed concerning the availability of a hearing – claim is denied.

COOPERATION

The success of the state's violent crimes compensation program depends upon the cooperation of law enforcement, legal and judicial personnel, service providers, and claimant employers, as well as the victim and/or claimant.

The following questions must be answered and documented.

VICTIM AND/OR CLAIMANT

- ◆ What occurred?
- ◆ What losses were sustained and how can they be documented and direct causal relationship verified?
- ◆ What type of assistance is being sought?
- ◆ What are the names and addresses of service providers?
- ◆ What are service account numbers and dates of service?
- ◆ What other forms of payment are available?
- ◆ Did the victim and/or claimant cooperate with law enforcement and prosecuting entities?
- ◆ Were wages lost as a direct result of the incident?

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- ◆ If so, how can the claimant's wages or level of income at the time of the crime be documented?
- ◆ Was the crime reported and submitted within the time limits established by statute?
- ◆ What is the law enforcement case number?
- ◆ How did the victim learn about the program?
- ◆ Were other relatives or persons emotionally and/or financially impacted by the crime?
- ◆ What sort of harm occurred? Was there bodily injury? Was there emotional harm? Both?
- ◆ Is the victim in danger?
- ◆ Is crisis intervention needed?
- ◆ Does the victim have the necessary support system required to recover?

The claimant provides documentation to support the request or provides the information required so that the Board can request required documentation

LAW ENFORCEMENT

- ◆ Was the crime committed against the claimant and/or victim?
- ◆ What was the crime?
- ◆ Was the crime reported to the police within five days of the incident?
- ◆ Did the claimant cooperate with law enforcement agencies?
- ◆ What did officers say happened?
- ◆ Are there relevant circumstances the Board needs to be informed about, such as behavior of the victim, that may have contributed to the incident?
- ◆ Is there anything relevant concerning the victim's social history or actions which the Board needs to know to consider all relevant circumstances?
- ◆ What is the current status of the case?
- ◆ What was the disposition of the case?

- ◆ Are proceedings against the offender imminent? Should the VCCB suspend investigation until the case is adjudicated?
- ◆ Has restitution been ordered?
- ◆ Are trial transcripts available?
- ◆ What was the outcome of the trial?
- ◆ Has the victim been informed concerning their rights as a victim?

Law enforcement provides the reports required so the Board can make a determination regarding many eligibility issues.

SERVICE PROVIDERS

- ◆ Was the service required as a direct result of the incident?
- ◆ Has insurance paid all or part of the billing?
- ◆ What other sources of payment are available and have they all been sought?

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- ◆ Will the victim be unable to work due to an injury that was the direct result of the incident? If so, for how long will the victim be unable to work?
- ◆ How much has the claimant paid on the billing and what is the outstanding balance?
- ◆ What is the prognosis concerning injuries sustained during the relevant incident?
- ◆ Does the victim and/or family members have emotional needs that might be helped through counseling?
- ◆ Is crisis intervention needed?
- ◆ What are treatment plans? How long is treatment expected to last?
- ◆ What is the anticipated outcome?

Service providers provide the necessary service and billing information that the Board requires to make a determination concerning expenses related to the incident. Medical information is provided using the VCCB Medical Information Forms and is often used to verify lost wage information.

EMPLOYERS

- ◆ Was the victim and/or claimant employed at the time of the incident?
- ◆ Did the victim and/or claimant miss work as a direct result of the incident?
If so,
how much work was missed and was it compensated in some other way such as Workers' Compensation? What wages were lost? Has the victim returned to work?

Employers provide the necessary wage and missed work information required for lost wage determinations. Employers provide needed information using VCCB Employment Information Forms.

AWARD POLICIES AND PROCEDURES

For an update listing of the Board's award policies and procedures, visit the website located at www.state.ak.us/local/akpages/ADMIN/vccb/.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 296
 () Publish Date: _____

Identifier (file name): SB296-DOA-DAS-2-29-08 Dept. Affected: Administration
 Title: "An Act relating to the crime compensation fund" RDU: VCCB
 Component: VCCB
 Sponsor: (S) STA
 Requester: _____ Component Number: 2694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill describes funding sources which may be appropriated to the Crime victim compensation fund. It also states that appropriations to the fund will not lapse and that the fund be added to AS 37.05.146(c).

This bill will have no direct fiscal impact on the Violent Crimes Compensation Board.

Prepared by: Eric Swanson
 Division: Director, Administrative Services
 Approved by: Kevin Brooks
Deputy Commissioner, Department of Administration

Phone 907-334-1726
 Date/Time 2/29/08 12:00 AM
 Date 2/29/2008