

**MINUTES**  
**Connecticut Advisory Council for Victims of Crime**  
**July 15, 2008**

The Connecticut Advisory Council for Victims of Crime met at 225 Spring Street, Wethersfield, in the fourth floor conference room on Tuesday, July 15, 2008, from 2:08 p.m. to 3:49 p.m.

**Members in Attendance:**

Co-chair Steve Eppler-Epstein, Larry Bostrom, Cheryl Burack, John Duffey, Paul Gaetano for Kevin Lawlor, Nancy Kushins, Agnes Maldonado, and Jan VanTassel

**Members Excused or Absent:**

Deputy Chief Court Administrator the Honorable Patrick L. Carroll, III, Fernando Betancourt, Joseph Bibisi, Chester Brodnicki, Janice Heggie Margolis, Jo-Ann Miller, and Neil O'Leary

**OVS Staff Present:**

Linda J. Cimino, James Morgan, and Brenda Jordan

**Agenda:**

1. Welcome and Introductions

Steve Eppler-Epstein welcomed members and called the meeting to order at 2:08 p.m.

2. Review and Approval of the May 20, 2008 Meeting Minutes

Steve asked for a motion to accept the minutes of May 20, 2008. The motion was moved and seconded, and the minutes were accepted as presented.

3. Discussion – Compensation Program Expenditures

Linda J. Cimino reported that she had a lengthy discussion with Steve regarding what background information the Office of Victim Services (OVS) should provide on the Compensation Program to form a discussion at the next Council meeting. Linda reported on the following data based on the questions generated by Steve:

**How are compensation dollars spent** (different areas of compensation allowed and amounts provided)

*Crime Categories*

Linda reported that of the twelve crime categories allowable under federal funding, compensation was provided to six of the crime types and the majority of claims received were personal injury.

FFY 06/07 Percentages		
Crime Type	Percentage awarded	No. and % of claims received
Assault	52%	<i>Personal Injury:</i> 451 claims or 69%
Sexual assault	5%	
Child abuse	8%	
DWI/DUI	1%	
Other motor vehicular crimes	1%	<i>Homicide:</i> 205 claims or 31%
Homicide	31%	

*How are the dollars spent?*

Linda reported that the benefit payout is skewed to economic support, representing forty-six percent (\$1.2 million) of the total amount awarded. She explained that the average payout per claim is not a true measure for this federal fiscal year because some claims receive compensation awards over a number of years (referred to as supplementals).

<b>FFY 06/07: 656 claims received funding totaling \$2,677,606</b>		
Claim type	Percentage of claims paid	Percentage of expenses
Personal Injury	69%	57%
Homicide	31%	43%

Expenses paid by service	Percentage paid	Amount awarded
Service related (doctors, therapists, funeral, attorney fees, court costs, etc.)	53%	\$1.43 million
Economic related	46%	\$1.24 million

<b>Average payout \$4,082</b>			
Crime type	Number of claims paid	Total award	Average award
Homicide	205	\$1,153,803	\$5,628
Assault	342	\$1,343,358	\$3,928
Sexual Assault	34	\$ 51,013	\$1,500
Child Abuse	56	\$ 49,784	\$ 889
DWI/DUI	10	\$ 38,667	\$3,867
Other Vehicular Crimes	9	\$ 40,981	\$4,553

Linda added that part of the issue with outreach is that the program is the payor of last resort and therefore not many DUI claims will be received because of collateral sources. The sexual assault number is low despite the change in statute [to allow sexual assault victims to use their consent to a sexual assault examination in lieu of reporting to the police].

Larry Bostrom inquired if the mental health counseling sessions provided to family members of homicide victims are paid from the Criminal Injuries Compensation Fund (CICF). Linda responded that that program is funded through the Victims of Crime Act (VOCA) assistance grant, providing ten free counseling sessions. Until four years ago, the program had a great network through The Village for Families and Children. Since that time, one contractor has been providing services in the Hartford area. The program has been expanded in July with another provider serving the New Haven area.

Linda remarked that the intent of this program was to serve as a bridge for the claimants until a determination has been made on the claim. It has never been used the way OVS had hoped, because many individuals may not be ready for counseling immediately following the incident.

Jim stated that the contractor has used only twenty-five to thirty percent of the funds available. The numbers do not reflect a huge volume of this service, but OVS is looking into that. Linda added that the reimbursement rates were revamped to pay \$125.00 per session and \$65.00 for case coordination.

Cheryl stated that the contract requirement of a licensed social worker/psychologist on staff is a deterrent because agencies would need to offer this individual a greater salary.

**If benefits are reduced, who could be impacted?**

*Number of claimants per area:*

Linda reported that applications were received from 140 different towns and cities in Connecticut and forty-three percent of the files received were from three cities. Hartford represented the most files and number of claimants. The top twenty-five towns comprised seventy-six percent of the total files with eighty-two percent of total homicide and seventy-two percent of total personal injury claims.

<b>Three cities represent forty-three percent of files received</b>				
Cities	Claimants	Files	Homicide files	Personal injury files
Hartford	211 (17%)	159 (16%)	37 (20%)	122 (15%)
New Haven	170 (13%)	140 (14%)	26 (14%)	114 (14%)
Bridgeport	165 (13%)	137 (14%)	26 (14%)	111 (13%)

Members inquired if a census was completed to reflect the number of the population affected and if this information was reflective of the reported crime data. Linda stated that she could put a census together and that it is difficult to get assault numbers from the Uniform Crime Report, but OVS receives a 100% of homicide crimes.

*Ethnicity and gender*

Linda stated that at this time OVS is unable to generate reports on ethnicity and reported the following statistics for the age group of claimants:

Age Group	Percentage
17 and under	27%
18 through 64	71%
65 and older	2%

**Comparison of benefits** (underlying philosophical principles in making awards; are other states paying certain benefits that Connecticut does not pay)

Linda stated that all fifty states and U.S. territories share the same foundational legislation and have different guidelines to assist with determinations and eligibility that include:

- Lifetime ineligibility for individuals with prior criminal history
- Reduction in benefits for past criminal activity or contributory conduct

- Caps on mental health counseling, lost wages and medical benefits and/or acceptable billing scales; OVS is one of the few states that does not have limits on these benefits
- New York provides additional compensation for catastrophic injuries up to \$80,000; most states do not provide this benefit
- Special focuses: federal statute prohibits compensation for pain and suffering
- Specific focuses: Washington, D.C., provides a massive amount of assistance to domestic violence victims, including court advocates, section 8, food stamps, and shelters
- Connecticut cannot support a victim who is sexually assaulted outside of the states

Jan asked for an explanation of how a cap works. Linda responded with the following homicide example: caps are by crime (\$25,000 maximum for homicide), the benefit (\$5,000 maximum for funeral), and the number of people affected (\$20,000 loss of support not to exceed \$5,000 per person).

### **Who is the decision maker?**

Linda stated there are two types of decision-making models: administrative staff, which is the model used by one-third of the states and OVS, and victim compensation boards/commissioners.

### **Funding**

#### *Budget Recovery Process*

Jim explained that when claims are received, the recovery specialist tracks the offender through the system for recovery opportunities, including civil actions. It is a lengthy process. Recovery activities average \$90-95,000 in collections per year. The recovery received is not available for spending. It is deposited into the CICF as a revenue source and counts as an offset of expenditures, reducing the federal grant.

Larry asked if a judge would order restitution for funeral expenses. Jim responded that not a lot of recovery is received from homicide claims, since the offender is usually incarcerated for an extended period of time.

#### *CICF Budget Statement Comparison from FY06/07 to 07/08*

Jim distributed a report entitled *Criminal Injuries Compensation Program Budget Statement Comparison FY 06/07 to 07/08* and stated that as of June 30, 2008, the total obligations (\$1.1 million) is less than 2007. However, the additional \$1.5 million appropriated to the Fund was spent and there is still a carryover of \$1.1 million in obligations. Jim stated on the second sheet of the report, the year end obligation was not tracked prior to FY 05/06, but the report shows a consistency of \$3.1 million as a needed budget. Jim reported that page three of the report shows an increase of revenues into the CICF. Steve stated that it is the appropriation that is an issue and not the Fund as that is growing. Jim added that there is room to increase spending from the CICF.

Cheryl requested a recap on the legislative attempts to increase funding. Steve responded that efforts were made in several budget years within the Judicial Branch and a small amount of outside advocacy. However, there was not a thorough conversation on removing the CICF from the budget cap.

Jan suggested an argument could be made for the Fund to be treated like a block grant, which is not considered under the budget cap. Linda added that in a conversation she had with Dean Skevas, revolving accounts do not fall under the cap.

Steve inquired if the Fund was removed from the spending cap, and expenses paid, would there be adequate revenue to keep the Fund in balance?

Jim responded that approximately \$1 million is received a year from the VOCA grant, which is based upon what is spent. The Fund incoming revenue averages \$3.2 million and the average yearly obligations amount to \$2.6 million (\$2 million for claims and \$600,000 for contractual services).

Steve remarked that it appears that the current program is affordable if not for budget constraints. It is the consensus of the Council that members want victims to be compensated. Rebalancing benefits would provide less compensation to some victims and more to other victims if outreach is expanded.

Jan inquired if there was better outreach in certain regions. Linda responded that there is a great working relationship with hospitals, such as Yale New Haven Hospital, that provide a leveraged outreach, which may skew data. Jan stated their outreach might be the result of maximizing their billing. Jan inquired if data could be provided showing if payments are going to particular hospitals. Linda responded that OVS knows anecdotally which hospitals and funeral homes receive payments, but it may be difficult to capture that data.

Steve requested that Linda provide a written version of the information so that Council members may provide suggestions to expand the information presented.

Steve asked if members had other requests for information or analysis to be provided for the next discussion. Jan suggested that it would be interesting to have input from the people who benefit from the program.

#### 4. Update – [SAVIN] Planning Committee

Linda reported that the Planning Committee hired a project manager who will be responsible for the day-to-day activities involved in implementing an automatic notification system operational. The next Committee meeting will be held on August 13, 2008.

#### 5. OVS Update

Linda reported on the following activities:

- A Staff Appreciation Day was held June 25, 2008. The focus of the event was teamwork and self-care.

- Public Act 08-01 directs the Criminal Justice Policy Advisory Commission to provide training to criminal justice personnel. A cross training conference was held July 10, 2008 at Southern Connecticut State University. OVS was the focus of one of eight available workshops. Another training is scheduled for September 4, 2008.
- The court planner interviews were held, but neither of the candidates met the needs of the position.
- Steve, Linda, [and Larry and Shirley Bostrom] were recognized as leaders in the Connecticut domestic violence movement by the Connecticut Coalition Against Domestic Violence in celebration of the agency's thirty year anniversary.
- Five agencies (The Barnaba Institute, Connecticut Sexual Assault Crisis Services, International Institute of Connecticut, The Connecticut Women's Consortium, and Women and Families Center) received funding by OVS to provide human trafficking training throughout the community.
- OVS is co-sponsoring with MADD a Death Notification Workshop on September 23, 2008.
- Process improvement – the notarization requirement on the form to request a waiver of the two-year filing limitation was eliminated.
- 459 compensation applications were received as of June 30, 2008.

Jim reported that the VOCA funding was reduced from \$4.8 to \$3.7 million. He distributed a VOCA 2009 Fact Sheet and stated that Congress approved an increase in the 2009 spending cap that would return the allocation to \$4.8 and prevent further cuts to the contractors. Jim also reported that the FY 08/09 contracts have been issued and awaiting signature. A new contractor list will be provided at the next meeting.

Linda reported on behalf of Janice Heggie Margolis that Janice met with Representative Rosa DeLauro regarding the VOCA funding reductions to the contractors. Representative DeLauro was sympathetic to the situation. She said that everything is status quo until a new president is in office.

6. New Business

Steve suggested that OVS provide a presentation to the Council on the Judicial Branch's strategic plan and how it impacts OVS. Linda stated that prior to the next meeting, she will provide the executive summary of the plan and a presentation could be held at the November Council meeting.

8. Adjournment

Steve called for a motion to adjourn the meeting; the meeting was adjourned at 3:49 p.m.

Brenda Jordan, Recorder