

*Michigan Department
of Community Health*



The Michigan Crime Victim Services Commission

Ninth Annual VOCA Council of Advocates December 13, 2006 Report Summary

**Prepared by:
The Michigan Public Health Institute
Center for Collaborative Research in Health Outcomes & Policy**



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Meeting Summary

Historical Background

Each year the Michigan Crime Victim Services Commission (CVSC) and the Michigan Public Health Institute (MPHI) host a day-long meeting with a small group of crime victim advocates in Michigan—the VOCA Council of Advocates. Meetings have occurred annually since fiscal year 1999 and largely take the form of a question and answer session and roundtable discussion. Every participating advocate is an employee of a Michigan agency that receives Victim of Crime Act (VOCA) funds administered by the CVSC. Additionally, each advocate represents an agency specializing in services to one or more diverse victim populations, such as child abuse victims, domestic violence victims, drunk driving victims, sexual assault victims, crime victims in American Indian communities, victims accessing hospital-based services, and victims working with prosecuting attorneys.

The annual gathering of the VOCA Council of Advocates serves several purposes. The CVSC is required to receive feedback from VOCA Grantees with respect to prospective changes to the grant administration process. Of equal importance, these meetings serve as a forum to share information concerning crime victim services in Michigan and to allow the participants to network with each other and with CVSC and MPHI staff. What follows is a summary of the Ninth Annual VOCA Council of Advocates held during fiscal year 2007 at the Kellogg Hotel & Conference Center in East Lansing, Michigan.

I. Welcome/Participant Introductions

The FY2007 Annual VOCA Council of Advocates meeting was attended by:

Mike Fullwood	Crime Victim Services Commission, Lansing
Leslie O'Reilly	Crime Victim Services Commission, Lansing
Randy Parker	Crime Victim Services Commission, Lansing
Therese Porn	Crime Victim Services Commission, Lansing
Julie Boggs	Wayne County Prosecuting Attorney, Detroit
Sue Coats	Turning Point, Mt. Clemens
Joanne Cooper-Reid	Detroit Police Department, Detroit
Mohammad Farrag	ACCESS, Dearborn
Kimberly Greenfelder	Macomb County Prosecutor's Office, Mt. Clemens
Valerie Hoffman	Underground Railroad, Saginaw
Sue Johnson	Every Woman's Place, Muskegon
Linda Parker	Michigan Department of Civil Rights, Detroit
Anna Rogers Stott	Sault Ste Marie Tribe, Sault Ste Marie
Joyce Seigel	Battle Creek Health System, Battle Creek
Katherine Tucker	Detroit Receiving Hospital, Detroit
Phyllis Van Order	Battle Creek Health Systems, Battle Creek
Barbara Welke	Berrien County Children's Advocacy Center, St. Joseph
Courtney Chapin	Michigan Public Health Institute, Okemos
Julia Heany	Michigan Public Health Institute, Okemos

II. Remarks from the CVSC-Open Discussion/Q & A

The following are the CVSC's responses to questions posed to the Crime Victim Services Commission in advance of and during the meeting.

- 1. Could Mike Fullwood speak to the work he has been doing with the Michigan legislature? Can you explain the new trauma systems organization that is being proposed? How will it be funded and how will it impact our programs and resources for crime victims?***

Over the course of six months in calendar year 2005, the Commission reviewed Crime Victim Rights Fund revenues and expenditures, and in September 2005 released a report with recommendations as to where we should be going. That report included two areas of recommendations. On the services and expenditures side, the Commission recommended some increases in benefits to crime victims and survivors, including an increase in the burial benefit, an increase in the amount paid for lost earnings, an increase in the amount of counseling available, and additional funds for crime scene clean up. The Commission also looked at appropriate increases in local disbursements to address cost increases for implementing crime victim's rights. As far as the revenue side goes, the Commission recommended increases in court assessments to preserve adequate funding into the foreseeable future.

The commission took this report to the Department where it was met with a great deal of approval. In fact, it led to a discussion of additional improvements the Commission had not addressed. We wound up looking at Senate Bill 119, Senator Johnson's bill for direct payment of sexual assault exams and funding for the statewide trauma system. In 2005, the legislature passed legislation requiring the Department to establish a statewide trauma system, which would involve the integrated coordination of medical resources ensuring that trauma survivors receive the most appropriate services more promptly. In Michigan, implementing a trauma system has the potential to save 1,800 lives every year, including the lives of hundreds of crime victims. The Commission's main concern was that the funding for the trauma system be kept separate from the Commission's ongoing statutory responsibilities. The Department was very sensitive and responsive to this concern. The rules for the trauma system's operation have been developed by the Department and are in the approval process. VOCA funding will not be impacted by the trauma system.

After resolving the trauma system funding issue, we put together a package of bills that included Senate Bill 119 and additional components. Under this package, the Commission would permit hospitals and other entities utilizing licensed or registered medical providers to conduct rape exams to bill the CVSC directly for the exam. We are also proposing an amendment to the public health code regarding the brochure given to crime victims. We are proposing that the department sit down with representatives from crime victim services agencies and coalitions to develop a new multi-part brochure with comprehensive, up-to-date information about health care, victims' rights, available services, etc. In addition, the Department has proposed that it take responsibility for confidentially retaining rape kits that are not part of an ongoing investigation for a set period of time, so that if a victim changes his or her mind about pursuing prosecution during that time period, the DNA evidence will still be available.

[Question from an advocate: *Will a hospital be able to bill for a rape exam if the victim does not file a police report?*]

For the purpose of the rape exam being paid under this proposal, all the victim needs to do is just have the exam performed, and the police reporting requirement is satisfied.

[Question from an advocate: *Will the trauma system incorporate services for psychological trauma?*]

The trauma system is not designed to directly address psychological trauma, although those services are important as well. It is designed to meet the immediate and urgent needs of those with life-threatening physical injury.

[Question from an advocate: *Will rape exams conducted at non-profits be eligible for reimbursement?*]

Absolutely, as long as the person performing the examination is a licensed or registered health care provider under the Public Health Code.

[Question from an advocate: *Will the victim apply for compensation or the facility? Will compensation be primary or secondary to private insurance?*]

The facility will apply for compensation, and compensation will be primary to private insurance. However, compensation will be secondary to Medicaid, because we're required to do that under VOCA.

[Question from an advocate: *Our nurses have visiting privileges at hospitals, which allows them to conduct rape exams at those hospitals. Will those exams still be eligible?*]

Yes. Facilities and providers both have eligibility to submit a claim for payment. The question of who will submit the billing, and what part they would submit, will depend on the arrangement between the facility and the professional.

[Question from an advocate: *Will the victim still be able to apply for VOCA compensation for other injuries and psychological services?*]

Yes. We will continue the regular compensation program as it is currently structured. Reimbursement for rape exams will be a separate, new process.

[Question from an advocate: *Has this gone through the legislature or is it still pending?*]

Everything is still pending. We hoped to get something started yet this fiscal year but as you can see, time is running late.

[Concerns voiced by advocates:]

A lot of times we turn rape kits over to police departments, but they don't turn them in to the crime lab. The crime lab will not take the kit if there is not an investigation underway, but it is unclear how prosecutors decide whether to open a case without reviewing all the evidence, including the evidence in the rape kit. For example, there was a kit collected five years ago that identified a coded serial murderer, but the evidence was not reviewed at the time it was collected. In some instances kits are not processed because the prosecutor does not believe it will be a good case or because there is not enough person power to process all the kits.

[Response from CVSC staff:]

This proposal will not resolve all of those issues. The Department is volunteering to provide a space to store kits that are collected from victims who do not want to prosecute at the time of the rape and who may later choose to do so. We believe this will be a helpful service.

[Question from an advocate: *How will the Commission fund paying for rape exams?*]

The sexual assault reimbursements will cost between a million and 1.5 million dollars a year. We are looking for new state crime victim assessment dollars to fund part of that amount and we will get a 60% federal match for the rest.

2. ***How much money is in the federal bank for VOCA programs/agencies/compensation (total)? How much is available at the state level for funding both service and compensation programs? Do you know how much money will be available next year? How is the stability of the VOCA funding now? Will the change in political climate have any impact on future funding? Is the fund growing?***

The federal government intends to keep VOCA funding at current amounts for Fiscal Year 2007. The '06 budget was \$625,000,000. However, we are forecasting a reduction of 6-10% from '06 levels due to an increase in federal earmarks for the FBI and an increase in the state compensation grant. Another unknown in the formula is that the Department of Justice has created two new offices. However, our office is responsible for ensuring that our grantees don't see that level of reduction. Our award for '06 was \$13 million, and the compensation award was \$1.4 million.

After having lost its battle the last two years to wipe out the Crime Victims Fund, the Administration's FY 2008 budget request once again asks to transfer out the balance in the Crime Victims Fund. This year, it wants to remove **\$1.338 billion** from the Fund meaning that there would be no funds available at the start of FY 2009 and putting essential funding for 4,400 direct services programs in serious jeopardy.

More ominous is the Administration's proposal to change the essential character of the Crime Victims Fund from a separate account dedicated specifically and exclusively for victim services into a conduit for deposits into the Treasury and using taxpayer funds to replace offender-based revenues.

3. [Further CVSC Comment and Discussion]

Last year one of the participants at this meeting suggested that the Commission provide a certificate of recognition that grantees can post in their offices. We worked with the Department of Communication and developed a certificate that we will distribute to grantees. [An example was displayed at the meeting.] We have also revised and updated the brochures that are available on the State of Michigan website through the Health Promotions Clearinghouse. The URL for the Health Promotions Clearinghouse is <http://www.healthymichigan.com/> and the link to the downloadable version of these brochures is available on the Department's website at www.michigan.gov/mdch. [Examples were distributed at the meeting.]

[Question from the CVSC: *Are there additional materials we should be looking at developing?*]

It would be helpful to have information on helping helpers. Our staff suffer fatigue from the nature of our work, and we need to be able to support one another. It would also be helpful to

have a book that explains the legal system to children that is Michigan-specific. The Pennsylvania Coalition has a good example of a book on the court for children. There is also a book called “BJ Goes to Court” that comes with a coloring book. We are also seeing victims from other countries that have lost everything, including their passport. We need guidance regarding their rights and how to help them. Turning Point is holding a conference on immigration issues because this is such a serious issue.

[Question from an advocate: *Is there a national organization of victim service providers?*]

The National Association of VOCA Assistance Administrators (NAVAA) represents the agencies in each state that receives Victims of Crime Act (VOCA) victim assistance grants. Our members are responsible for supporting victim assistance services to nearly 4 million crime victims through 4,400 local victim service providers every. Our member agencies also work closely with other victim service and criminal justice agencies to improve conditions for victims of crime. This organization is the lead agency in the effort to protect the Crime Victim Fund.

- 4. *I have been approached by many representatives from various hospitals about trying to start their own VOCA programs. Will there be any consideration for more service programs this year? Should I encourage or discourage them from applying?***

The grant program is competitive, and any agency is welcome to apply. We would be looking for comprehensive hospital programs, but we do not plan to carve out funding for any specific group.

- 5. *For those agencies that have been VOCA grantees, is it possible to have reporting changes placed on the website rather than going to the annual training? Unless something changes we should be familiar with our contract requirements.***

I think this is a really good suggestion. I think we should take advantage of the website to communicate changes in reporting. However, I also think people aren't as familiar with the contract requirements as they sometimes believe they are. So we encourage you to participate in the workshop as often as you are able to. And if you are not able to, you should send someone else from your agency.

- 6. *Would the Commission consider allowing more split-funded personnel? This enables grantees to utilize their staff in a more efficient manner.***

The VOCA Victim Assistance grants allow Contractor agencies to support 100% of personnel services and fringe benefits of those providing direct services to crime victims. All employees of the Contractor agency whose payroll costs are charged to the Agreement as direct costs must report hours worked on time reports that indicate hours worked by day. All time records must be signed by the employee and signed as approved by the employee's supervisor. If an employee is funded to work on more than one project, the employee is required to document daily hours worked for each project by the funding source. When the CVSC will support 100% of the salaries and fringes for positions it is viewed as unnecessary and overly burdensome to seek partial support for any grant funded position. CVSC determined that split funded positions, especially when partially supported with funding which authorizes unallowable activities under VOCA, is particularly problematic and will invoke enhanced monitoring responsibilities both for CVSC staff as well as agency staff, to ensure that VOCA funds are being used appropriately.

Unallowable activities including those which follow, while important work, are strictly prohibited by VOCA. CVSC has determined that it remains problematic to ensure funded staff are adhering to the VOCA Guidelines especially when those duties are unallowable under VOCA. These activities include: crime prevention, lobbying and administrative advocacy; perpetrator rehabilitation and counseling; support services to incarcerated individuals; conducting needs assessments, surveys, evaluations, and studies; prosecution activities; fundraising activities; salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals; or the development of protocols, interagency agreements, and other working agreements. Therefore, the CVSC's funding priority is for VOCA to support 100% of salary and fringes for full time positions. The Employee Funding Time Report is available on the CVSC website for use in documenting time devoted to the grant.

[Question from an advocate: *Why isn't forensic interviewing covered by VOCA, and do you see that activity ever being covered?*]

It is not allowable because it is part of the investigation process and not allowed by the federal guidelines..

[Question from an advocate: *Who is considered underserved in the federal guidelines? Do agencies have to meet this requirement or does the state program have to meet the requirement?*]

The guidelines leave it up to the states to determine which victim populations are underserved. 'Underserved' is defined by types of crime victims rather than by demographic characteristics, and the state distributes a portion of funds to agencies that serve underserved victim populations.

[Question from an advocate: *How will Proposal 2 affect VOCA funding?*]

VOCA is federally funded, so it won't have an impact. If your funding eligibility is conditioned upon your implementation of any kind of affirmative action policies or practices in the grant language, than you are exempted from Proposal 2. The Department of Civil Rights is in the process of working through what Proposal 2 will mean for Michigan.

III. VOCA Online Application & Reporting Update

Paper copies of the online application were distributed to participants. The CVSC asked for suggestions on improving the online application, particularly the "Personnel Budget Detail Worksheet." Problems have been reported regarding the number of hours the system will allow you to enter, and prorating positions. Also, it might be helpful to move the budget narrative for each section onto the budget page, to change the application review section to a checklist format, to add a user guide for the system, and to provide a financial guideline manual for federal funding.

[Comments from advocates:]

The way the system rounds numbers have created problems for one agency, and another agency has had problems getting bumped off the system after as few as five minutes. In addition, it is helpful to have a lot of space for the narrative sections of the application.

IV. Michigan Department of Civil Rights Presentation

The Director of the Michigan Department of Civil Rights (DCR), Linda Parker, and two members of her staff, Al Flores and Mark Bishop, gave a presentation to the Council on a DCR training that is funded through the CVSC entitled ‘Enhancing Victim Support through Cultural Competency.’ Director Parker began the presentation by introducing Mr. Flores and Mr. Bishop, and pointing out that, although reporting issues bias these figures, Michigan ranks number three in the nation in hate crimes. The DCR has been working with a state coalition to address the high incidence of hate crimes in Michigan, and part of that effort involves training. Crime victim service providers address hate crimes, and the DCR has received a VOCA grant to train a large number of victim service providers over the next year.

Mr. Flores provided more detail on the work of the DCR and the training that will be offered through the DCR’s VOCA grant. The DCR has offices in eight cities, and can be contacted using their 800 number or through their website (www.michigan.gov/mdcr). The Department works in collaboration with several other entities, and has an important relationship with the Michigan Alliance Against Hate Crimes. The DCR serves several functions, including providing outreach and education on discrimination, referring residents to other entities, investigating unlawful discrimination complaints, and sending out Crisis Response Teams to respond to hate crimes and bias incidents. In addition, the DCR develops and conducts trainings across the state. Several years ago, the DCR’s Multicultural Liaison Initiative developed an eight hour cultural competency training. This training has recently been condensed so that the information can be delivered more efficiently. This training covers country of origin, stereotypes, communication protocols, religion, and personal identity. The DCR also offers “Hate Crimes 101” training for service providers. Dates and locations for upcoming trainings are currently being. This training involves discussion of what a hate crime is, hate crime law, and what to do when you encounter a hate crime. The training is designed for any state of Michigan resident, and special law enforcement training is available for law enforcement officers. In addition, the US Attorney’s office is in the process of developing a comprehensive training for law enforcement officers that will be pilot-tested in February.

[Question from an advocate: *What is a hate crime?*]

[Answer from presenters:]

There are three elements to a hate crime. First, a crime has to happen. Second, there has to be a “listed bias,” that is the victim has to be from a targeted group. Third, there has to be evidence of “bias motivation,” which means that the perpetrator committed the crime because of the victim’s membership in a targeted group. Expansion of both the penalties and protected groups provisions would enhance the Ethnic Intimidation Act in Michigan.

[Question from an advocate: *Are you offering continuing education credit for the training?*]

[Answer from presenters:]

We had not thought of that, but we will look into it. We have been receiving training dollars to fund the trainings. We trained every worker in Motor City Casino in the Cultural Competency training.

[Question from an advocate: *Do you have the tape “Eye of the Storm”?*]

[Answer from presenters:]

That's a very powerful work. For those of you who haven't heard of it, "Eye of the Storm" is a video of an experiment that took place in Riceville, Iowa in 1968. A teacher wanted to show her students what discrimination prejudice was, so she distinguished children based on the color of their eyes. One eye color group was considered superior and the other inferior. The children with the inferior eye color started performing badly on their school work and they were visibly upset and angry that it was taking place. When the status of the groups was switched, the behavior switched as well. It's available on DVD for \$285. Ms. Elliott, the teacher who conducted the experiment, gets no royalties from the video, since the news crew that taped it owns the rights.

[Comment from an advocate:]

The Dr. Seuss book "The Sneetches" has a very similar message, and it is great for teaching young children about differences.

[Question from an advocate: *How do we get more information on the dates and locations of the trainings, and who can we contact if we have access to training space or pro bono hotel rooms?*]

[Answer from presenter:]

Both trainings will be offered, Cultural Competency and Hate Crimes 101. We will send the dates to Leslie, and she will send them to the network. Also, we will provide Mark Bishop's phone number and email address. If you have any thoughts for Mark on the presentations, please reach out and let him know. Also, we can use the email list for this group to stay in contact. We'd like to also find opportunities to fit our presentation into existing meetings and conferences that your agencies are already involved with.

[Comment from CVSC:]

We will post training dates on the calendar on *The Michigan Advocate*.

[Question from an advocate: *What number can we call if we come across somebody who has been a victim of a hate crime?*]

[Answer from presenter:]

Our number is 1-800-482-3604 and our website is www.michigan.gov/mdcr. The website actually has a lot of the information we have covered.

V. Grant Compliance Review & Needs Assessment Update

The CVSC provided an update on the GCR&NA process. The site visit process is currently being revised by the CVSC. The process will be more oriented toward finding out if the project matched what the contracting guidelines are. The process will involve looking more at data instead of asking so many questions. It will move from strictly interviewing to interviewing with more direct observation of some of the data. The processes used in other states are being reviewed to gather ideas, and CVSC staff are discussing changes. The updated process is expected to be completed this year.

VI. Program Evaluation Trainings

Program evaluation is necessary for service providers to adequately address quality assurance and determine the overall effectiveness of crime victim services. The CVSC has partnered with Dr. Cris Sullivan and MPHI to conduct program evaluation trainings for VOCA-funded agencies over the last six years. Three trainings will be offered in fiscal year 2007, including a new training that will focus on the evaluation needs of grantees that serve children. In September, Dr. Sullivan met with grantees that serve children to gather feedback on the new materials she will be using for this training.

In order to address travel constraints, the training locations will be distributed throughout the state. The Evaluation Trainings will be held on April 12th in Lansing at the Henry Center and on July 19th in Baraga at the Best Western Lakeside Inn. The date of the Baraga training coincides with the Keweenaw Bay Indian Community Pow-Wow. The Children's Services Evaluation Training will be held on June 15th at the Omni Hotel at Riverplace in Detroit. Invitations and registration information will be sent within the next few months.

VII. Other Training Needs

CVSC grantees are required to continue their education and update their skills through attending training workshops each year. Several types of training are currently available, including training through the Children's Advocacy Coalition, the Michigan Victim Assistance Academy, the Women of Color Conference, and the National Victim Assistance Academy. In addition, in the spring of 2007 the Office for Victims of Crime will have a free, basic online training for victim service providers. VOCA also supports the use of grant funds to fulfill training requirements for licensing purposes. The CVSC is interested in identifying other training needs of its grantees.

[Comments from advocates:]

More training on directly working with children would be helpful. The University of Michigan puts on a child abuse and neglect symposium in Ypsilanti every year in October that is excellent. VOCA funds can be used to attend this training.

Some long-term staff have attended everything that is available and are so experienced that there really are no relevant training opportunities. The group discussed the alternative of sending experienced staff to other agencies to provide training, rather than having them attend training. A system for identifying agencies that need training and agencies that have experienced staff who can provide training was discussed as well.

The group also identified the need for training on taking care of agency staff during and after a crisis. The group agreed that compassion fatigue is a major issue, and it would be ideal to have strategies in place to meet the needs of staff during a tragedy. One advocate indicated that her agency developed a policy for debriefing after a traumatic experience. They have three volunteers in-place who are available to come in to work with staff within 24 hours. Another advocate indicated that they have worked with the Michigan State Police's Critical Incident Response team.

VIII. *The Michigan Advocate* Newsletter

The Michigan Advocate is a statewide, online newsletter published by the CVSC and MPHI that shares ideas and resources important to crime victim service providers, professionals, and victims. *The Michigan Advocate's* readership includes all VOCA grantees, additional state programs serving

crime victims, prosecuting attorney offices, VOCA administrators in other states, national association colleagues, and federal offices.

MPHI staff demonstrated some of the new functions of the newsletter's website, which is expanding on an ongoing basis and incorporating new functions. In addition to the CVSC calendar, there is a new community calendar that is available for posting agency events and training opportunities. Grantees can post anything from training events to fundraisers using a form on the website. MPHI staff also reviewed other functions of the website, including archived editions of the newsletter, the current edition of the newsletter, an expanded list of web resources, program evaluation training materials, a list of VOCA-funded service providers, the COA reports, and an annotated bibliography on resource materials available through the State of Michigan website. In response to suggestions from last year's COA, articles on VOCA and the CVSC are posted on the Resource Library page, along with a new resource on advocacy.

The council members provided suggestions for upcoming issues. The CVSC and MPHI extended an invitation to advocates to propose topic ideas, nominate authors, and/or author an article. Advocates were also encouraged to submit ideas through the website. Suggested article topics included:

- ❖ Compassion fatigue
- ❖ Pilot project for non-offending parents of sexual assault survivors through Battle Creek Health System
- ❖ Cultural competency
- ❖ Hate crime
- ❖ General updates in areas of service (e.g., child sexual abuse, violence)

Participants also indicated that they would like contact information for other grantees, and for the Council of Advocates. MPHI staff agreed to send an email list of COA attendees to all participants.

IX. Conclusion

Meeting attendees were thanked for their participation and asked for their feedback on the process of improving VOCA grant management and victim services throughout Michigan. Although some participants commented that the room was cold this year and others were concerned about the possibility of snow making driving difficult in the future, overall participants were very positive about the format and location of the meeting, and would like for the 10th Annual Council of Advocates to be held in Lansing on Wednesday, November 28th to again coincide with the MDVPTB Directors' meeting. The group discussed the possibility of extending the meeting to 5:00 P.M., and bringing in another speaker during the afternoon session. Meeting participants expressed gratitude to the CVSC for hosting an event dedicated to an open dialogue that values the work crime victim service agencies perform and allows agencies a voice in vital crime victim issues and VOCA grant administration.