

State-Funded Community Compensation Program Recommendations

Presentation to the Partnership Council on Juvenile Justice

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Overview

1. Background & Approach

2. Recommendations

- Program Eligibility
- Application Process and Consideration of Expenses
- Retroactivity
- Program Structure
- Program Administration
- Reporting and Evaluation



Background & Approach



Background

2023 SB 5474 contemplated eliminating juvenile restitution and creating in its place a State-Funded Community Compensation Program. SB 5474 did not pass.

The legislature directed PCJJ to develop recommendations for establishing a State-Funded Community Compensation Program and address the following:

- Structure & placement within government
- Scope & scale of funding
- Eligibility criteria
- Documentation requirements
- Coordination with existing Crime Victims Compensation Program
- Retroactivity
- Cost estimates



Approach

Workgroup priorities:

- Minimize barriers, maximize access
- Avoid requirements that exacerbate inequities
- Use trauma-informed, person-centered approaches
- Ensure that the program can garner and maintain trust as a responsible use of public funds

Early sources of learning:

- Crime Victims Compensation Program
- Office of Crime Victims Advocacy
- Washington State Center for Court Research
- Restorative Community Pathways
- Victim service providers, victims & harmed people
- Debt Free Youth Justice Coalition
- Young people who owe restitution



Technical Assistance



Robert Hamill, Project Manager

Council of State Governments Justice Center

Workgroup & Collaborators

Advocates from Center for Children & Youth Justice, Justice for Girls, CHOOSE 180, King County Sexual Assault Resource Center, Civil Survival, Stand for Children, Treehouse, Tulalip Tribe, TeamChild, Lutheran Community Services, Debt Free Youth Justice Coalition, Restorative Community Pathways, Sexual Assault Service Providers Workgroup

Lived experts from Justice for Girls GAIN Program at Echo Glen, CHOOSE 180 Advocacy Program, Stand for Children, individuals

Systems experts from Office of Crime Victims Advocacy, Crime Victims Compensation Program, Superior Court Judges Association, Clerks Association, Administrative Office of the Courts, victim services, restorative justice experts

Researchers from Washington State Center for Court Research, Berkeley Law Policy Advocacy Clinic, Council of State Governments Justice Center



Recommendations



Program Eligibility

An individual should be eligible for the Community Compensation Program if they experienced harm caused by a juvenile.

Eligibility should not be dependent upon case filing or outcome. A harmed person's ability to access financial repair should not be dependent on if or how a case is addressed by the legal system.

Eligibility decisions should not consider assessments of cooperation with law enforcement or prior system involvement. Those requirements are often subjective and can exacerbate inequities in access.

In certain circumstances, others with a relationship to the harmed individual may also be eligible for compensation.



Program Eligibility

The Community Compensation Program should maintain separation from the existing Crime Victims Compensation Program.

The Community Compensation Program should be the “lane” for individuals harmed by juveniles. Clear lanes between programs promotes clarity for applicants, program, staff, and advocates who help harmed people navigate compensation programs.



Application Process and Consideration of Expenses

The application process should be simple and minimize barriers to approval for eligible applicants.

The application process should be as short as possible, only require information necessary to open a case, and be available in different formats to promote options for accessibility.

Incident documentation should come from a third-party source, and could include a police report, criminal complaint, court record, CPS report, medical record, mental health treatment record, or statement made to a victim advocate.



Application Process and Consideration of Expenses

In considering expenses, the Program should minimize the burden on the claimant to gather and submit information.

Make payments directly to service providers or reimburse claimants when they have already paid expenses. Compensation to individual claimants for out-of-pocket expenses should be prioritized for prompt payment.

For harm caused by a violent incident, the Program should match reimbursement caps to the existing Crime Victims Compensation Program. For property damage/loss, the Program should cover the costs of replacement/repair after taking insurance into consideration.



Application Process and Consideration of Expenses

The Program should be the payer of last resort on certain expenses and require certain other sources to consider expenses before making payments.

For medical expenses, the Program should require health insurance to be a first payer.

For property expenses, the Program should make insurance claim filing optional. If the applicant chooses not to file an insurance claim, the Program should cover up to the amount of the deductible.



Application Process and Consideration of Expenses

Decisions should involve a two-step process.

First, determine that the applicant is eligible. Screen applicants in, notify them that they are eligible and have an open case, and hold that case open awaiting expense claims.

Second, receive expense claims and determine whether the expenses incurred are eligible for payment.



Retroactivity

If a process for eliminating outstanding juvenile restitution orders is created by future legislation, the Program should be responsible for locating and compensating individuals to whom outstanding/eliminated restitution was owed.

Individuals who access the Community Compensation Program in this capacity should not be required to apply or submit claims, as their cases have already had expenses verified by the court.

An individual would be eligible for compensation under this approach if they were the intended recipient of restitution ordered by a juvenile court and the order was active at the time it was eliminated.



Program Structure

The Program should have separate teams for each of the three case types:

Harm resulting from a violent incident: These cases require a high level of sensitivity and trauma-informed case handling, are likely to involve ongoing expenses, and may also include property expenses.

Harm resulting from property loss/damage only: These cases are more likely to include one-time expenses, allowing staff to process a higher volume of cases more quickly.

Retroactive cases: Staff handling these cases will utilize court data to locate people to whom old/eliminated restitution was owed and issue compensation.



Program Administration

The Community Compensation Program should be administered by the Office of Crime Victims Advocacy.

The Office of Crime Victims Advocacy (OCVA) within the Department of Commerce is willing and well-positioned to administer this program. OCVA's mission is to identify the opportunities and resources needed for prevention and intervention, and to facilitate the availability of those opportunities and resources in communities statewide.

OCVA administers funds to a robust and diverse network of victim service programs statewide; and provides leadership through technical assistance, training, community education, service standards, and resource distribution.



Program Administration

OCVA should contract with a single organization to operate the Program statewide.

OCVA's role: Manage RFP, provide oversight and compliance monitoring, leverage grantee network of service providers, establish and support advisory boards

Contractor's role: Receive applications, make eligibility determinations, collect documentation, issue payments, provide ongoing trauma-informed customer service to Program recipients



Program Administration

OCVA should establish and staff advisory boards to inform some aspects of program administration.

Advisory board duties may include RFP development, evaluation of proposals, approving administrative rules, and hearing appeals.

OCVA is currently developing an Advisory Collaborative of people with lived experiences of hurt and harm that could be well-suited to fill this role, or OCVA may establish separate advisory boards.



Reporting and Evaluation

The Program should report on its performance using metrics including the following:

- Cases received by type (violent, property, retroactive),
- Applications and claims denied and reasons for denial,
- Amounts of compensation paid by case type,
- Average number of days from application to eligibility decision,
- Average number of days from expense submission to payment;
- Demographic characteristics of applicants and claimants, both denied and compensated (age, race/ethnicity, gender, county of residence), and
- Qualitative and narrative details including outreach and awareness strategies, program successes, enhancements or improvements, and administrative challenges (e.g. staffing shortages, limitations based on resources or external factors).

Next Steps

May 14-30	Workgroup review of recommendations
May 23	Presentation to PCJJ
May 14-21	Workgroup review of full draft
July 11	Final workgroup meeting, approve final draft
Late July	PCJJ Executive Committee review
August	DCYF review
October 31	Final report due



[Community Compensation Program Policy Study Website](#)

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