

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
PUBLIC HEARING

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Sub-Committee on Crimes & Corrections
Crime Victims Services

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Stenographic transcript of meeting held
in Hearing Room 140, the Main Capitol,
Harrisburg, Pennsylvania,

Thursday
May 27, 1993
At 10:00 o'clock a.m.

MEMBERS OF THE APPROPRIATIONS COMMITTEE PRESENT:

HAROLD JAMES, Chairman
KATHY MANDERINO
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1 **CHAIRMAN JAMES:** Okay. Good morning. First
2 we want to say good morning and welcome to the
3 Subcommittee of Crime and Corrections, of the Judiciary
4 Committee hearing on Victims/Witness Compensation, and we
5 want to thank everybody for being in attendance.

6 And I am going to start with a statement and
7 the statement is basically taken from the, a report from
8 the National Institute of Justice on Victims/Witness
9 Compensation.

10 Victims of violent crime are doubly
11 injured. First by the trauma and suffering of
12 victimization itself and, second, by financial burdens
13 that result from the crime.

14 Loss of income, hospital bills and long-term
15 treatment. In the last 20 years the plight of crime
16 victims has become a matter of increasing concern to
17 public policymakers.

18 Victims assistance programs have been
19 created and Victims Bill of Rights have been passed.

20 Since 1965, all but two states enacted crime
21 victim compensation programs, which enable the survivors
22 of homicide victims and victims of other violent crimes to
23 obtain at least partial compensation for out-of-pocket
24 expenses resulting from the victimization.

25 In 1983, the National Institute of Justice

1 published a national assessment of existing crime victim
2 compensation programs entitled, "Compensating Victims of
3 Crime: An analysis of American programs."

4 In the same year, the Department of Justice
5 created the Office for Victims of Crime to serve as the
6 federal focal point for victim issues and to promote
7 improve treatment of victims of crime.

8 In 1984, the Victims of Crime Act, VOCA, was
9 enacted with strong Department of Justice and bipartisan
10 congressional support.

11 It authorized federal funding to induce
12 states to establish victim compensation programs and to
13 adopt comparable basic services such as victim outreach
14 services, victim notification services, crisis council,
15 and a variety of referral services to meet long-term
16 victim needs.

17 This updated study is the first systematic
18 review of compensation programs since VOCA was enacted in
19 1984. And this report highlights state efforts to develop
20 and create crime victim compensation services and to
21 comply with VOCA mandates.

22 It describes different organization
23 structures and operating procedures that characterize
24 American programs.

25 It discusses efforts by states to streamline

1 application and claim process. It exams how state
2 programs are grappling with key issues such as redefining
3 victim and outreach to crime service victims.

4 It discusses its trends and program funding
5 and this describes the partnership between the National
6 Institute of Justice and the Office for Victims of Crime.

7 Our agencies are jointly committed to
8 providing support and assistance to victims and this study
9 is one attempt to demonstrate the benefits of research and
10 program documentation to support emergency practice and
11 victim services field.

12 The National Institute of Justice and the
13 Office For Crime Victims hope state and local officials
14 will find this report useful as they refine and improve
15 their crime victim and that the report will stimulate
16 further attention to the needs and problems of crime
17 victims.

18 And that is from the Director of National
19 Institute of Justice, Charles B. DeWitt, and Brenda
20 Meister(phonetic), was the Acting Director for the Office
21 for Victims of Crime at this time. This report was issued
22 in January of 1992.

23 In conversation this morning with the
24 National Institute of Justice, they told me that was it.
25 That there has not been an update. And that if, if and

1 when it will be, then, of course, we all will know about
2 it.

3 But because it was a special report, that
4 there is no telling, there is no time line in terms of
5 when they have to do the reports.

6 So, hopefully, I think Mary gave me a copy
7 of it, of this report, and I want to have the report as
8 part of our record for this hearing.

9 And with that, I would just like the other
10 members of the Committee to introduce themselves.

11 REPRESENTATIVE MASLAND: Thank you. My name
12 is Al Masland. I represent the 199th District in
13 Cumberland County. I'm happy to be with Representative
14 James on this Subcommittee.

15 I spent almost eight years in the District
16 Attorney's Office in Cumberland County, so I am familiar
17 with some of your concerns.

18 And I am happy to be part of this Committee
19 and happy to be here today.

20 REPRESENTATIVE MANDERINO: Good morning. I
21 am Kathy Manderino, and I am from Philadelphia County,
22 representing the 194th District which are parts of West
23 and Northwest Philadelphia.

24 I am pleased that part of the victims
25 services that represents my District is here today to give

1 testimony. And I look forward to hearing from all of you,
2 thanks.

3 CHAIRMAN JAMES: Okay. And what about
4 staff, introduce yourselves.

5 MS. MARSCHIK: Mary Beth Marschik, Research
6 Analyst for the Minority.

7 MS. MILOHOV: And Galina Milohov, Research
8 Analyst for the Democratic side.

9 CHAIRMAN JAMES: Okay. And we are going to
10 go in this order, okay. So, first, we are going to have
11 Marianne McManus, Chairman.

12 Would you introduce yourself for the record,
13 please.

14 MR. MCMANUS: Yes. Marianne McManus,
15 Chairman of the --

16 CHAIRMAN JAMES: I'm sorry. Just one thing
17 I want to say for the record. We have been advised we are
18 in session. We are trying to do the budget.

19 They told us this morning that we only have
20 the room until noon and they will take over. So we know
21 we want the budget passed, so Appropriations will come in
22 a little after 12.

23 MS. MCMANUS: Marianne McManus, Chairman of
24 the Crime Victims Compensation Board.

25 Good morning Representative James and

1 Members of the Judiciary Committee's Subcommittee on Crime
2 and Corrections.

3 On March 18th, 1993, I appeared before the
4 Judiciary Committee and presented testimony regarding the
5 Crime Victims Compensation Board, in addition to
6 responding to questions.

7 Rather than reiterate my testimony, allow me
8 to highlight what I believe are significant areas that
9 need to be addressed:

- 10 A. The need to increase collections to
11 ensure compensation to victims.
- 12 B. Restitution and accountability on the
13 part of offenders.
- 14 C. Limitations on a draining fund.
- 15 D. Increased staffing to better service
16 victims.
- 17 E. Elimination of Social Security claims
18 under \$100.
- 19 F. Supplemental claims and a time limit.
- 20 G. Administratively procession claims under
21 \$1,000 without legal review.
- 22 H. Increase in the advancement account.
- 23 I. Payment of 110 percent of the prevailing
24 Medicaid rate or 80 percent of the usual
25 and customary rates as full satisfaction

1 to providers.

2 One other area that frequently rears its
3 head, is too much verification.

4 The Board since January has had a
5 two-and-a-half month Auditor General audit and a Federal
6 Technical Assistance audit.

7 The Federal Audit revealed and I quote, "A
8 consistent approach to the investigation and verification
9 of claims for compensation."

10 The Auditor General's audit has not been
11 received. However, it is our understanding that there are
12 no significant problems.

13 This does not come easily. We must adhere
14 to certain guidelines and parameters within which to
15 work.

16 The agenda today will, for a very large
17 state, focus heavily on a particular geographical area.

18 Recognizing that you can't classify the
19 Crime Victims into specific areas, let me just say that
20 the problems in some small counties are not the same as
21 larger ones.

22 Cities versus rural areas are not the same
23 and the judicial system is not uniform in the state.

24 I would hope that the comments given today
25 are constructive in nature, keeping in mind the goal of

1 service to victims and an awareness of the unique
2 differences in programs.

3 I look forward to hearing the testimony and
4 time for response at the end. As always, I will also be
5 happy to answer any questions.

6 Thank you.

7 CHAIRMAN JAMES: Thank you. Representative
8 Manderino?

9 REPRESENTATIVE MANDERINO: None right now,
10 Mr. Chairman.

11 REPRESENTATIVE MASLAND: No.

12 CHAIRMAN JAMES: Representative Masland?

13 REPRESENTATIVE MASLAND: No questions.

14 CHAIRMAN JAMES: Okay. Well, thank you very
15 much. After we hear some other testimony we might have
16 some questions.

17 Next will be Linda Fink, Assistant Director
18 of the Sexual Assault Resource Center.

19 Is she here? She is not here. Then we go
20 to Pamela Grosh -- Linda?

21 MS. GROSH: Pamela Grosh.

22 CHAIRMAN JAMES: Okay, Pamela Grosh, okay.

23 MS. GROSH: Good morning. I am Pamela
24 Grosh. I am the Program Director of Victim/Witness
25 services and we are operated out of the office of the

1 District Attorney in Lancaster, Pennsylvania.

2 We are an office that has a unique mix
3 between a very rural setting and, again, a very urban
4 setting. So our claims and our office and victims reflect
5 a very diverse population.

6 Last year we filed 145 claims. We are
7 currently dealing with about 350 claims that are either
8 pending or filed and awaiting payment.

9 Several specific areas that I wanted to
10 address involve unique concerns to our office and then
11 some general concerns that will probably fit the entire
12 group.

13 We have a great number of claims involving
14 therapy and therapist, counseling for victims of crime.
15 And the particular group that we have a great number of,
16 are children who are victims of sexual abuse that are
17 seeing therapists.

18 Currently we have a therapist pool of
19 approximately 35 to 40 therapists who see these children
20 and they are geographically located throughout the
21 county.

22 We have approximately 180 victims that are
23 in therapy at this time and the majority of those, again,
24 are children.

25 We have several concerns about therapy. One

1 is an overriding concern about the length of time that a
2 child needs to be in therapy or any victim, for that
3 matter.

4 This is a very unpredictable sort of thing
5 and some of the children, of course, are in therapy for
6 extended periods of time.

7 Some of the children have needed to be in
8 therapy for intermittent amounts of time. They have been
9 in therapy for a time, then had some time when they were
10 not and later at the onset of puberty perhaps or some
11 other event, felt they need to reenter therapy.

12 In these cases, there may be a seven-year
13 duration between sessions with therapists. Naturally,
14 this lends itself to some concern on our part as to the
15 length of time that a claim could be reopened on behalf of
16 those children.

17 I think that it would be fair to say, and I
18 think that most people will probably reiterate the fact,
19 that it takes approximately a year at this point to have a
20 claim paid.

21 This means, of course, that those 35 to 40
22 therapists are now willing to take those clients on either
23 a partial payment out of insurance benefits or a partial
24 payment derived from the parent of the child, but without
25 full payment for an entire year in therapy.

1 If you are at all aware of therapy costs,
2 you know that these bills could be extensive.

3 Our concern is that in order to maintain our
4 credibility with therapists, to have an ongoing
5 relationship with them, it is necessary for us to do an
6 intensive screening process at the level of our office in
7 order to gauge whether something over which we have no
8 control, the payment of a claim, will happen at the end of
9 that year.

10 But we need to at least try to guarantee in
11 a very limited way, to a provider, that they will be paid
12 before they take that child.

13 However, we don't hold that decision in our
14 hands. That is always the Board's decision.

15 This is problematic. We have had situations
16 where for one reason or another the therapists have not
17 been paid and in most cases, those situations have
18 involved a bill of \$500 or more that the therapist has
19 lost as a result of that.

20 Naturally, we feel they are responsible for
21 that, although of course we don't hold this decision in
22 our hands.

23 Also, in order to maintain our credibility,
24 it is also of grave concern about the year wait. Even
25 with other types of service providers, we have developed a

1 system where we do notify service providers that a
2 claimant has applied, has filed for CVC and asked them in
3 the interest of the victim's well being, to not harrass
4 them with letters and calls.

5 Some providers honor that, some do not. We
6 have really no legal way of, of course, to enforce that.

7 We only can try to impose some sort of moral
8 obligation on them. They, of course, have a
9 responsibility to collect a debt and it just demends how
10 vigorous they want to be on that.

11 It does, CVC is, of course, a wonderful
12 program. And our program puts a great deal of time and
13 energy into it because it is one of the most concrete ways
14 in which a victim of crime can receive help.

15 And so it is an incredibly worthwhile
16 process and I don't mean for anything I say to reflect
17 anything different than that.

18 But we would encourage in any way the
19 Legislature to take a position on funding, for more help,
20 simply more people in this office, in order to attempt to
21 reduce that time that it takes to file a claim.

22 To us, this is the strongest and most
23 important point. Far more than any sort of
24 indiosyncracies in the regs that might frustrate us or
25 upset us.

1 The amount of time is crucial to maintaining
2 the health and safety of victims, and I encourage you to
3 do what you can in that direction.

4 Thank you.

5 CHAIRMAN JAMES: Thank you. Representative
6 Manderino?

7 REPRESENTATIVE MANDERINO: Thank you, Mr.
8 Chairman.

9 I'm wondering, Ms. McManus, if you wouldn't
10 mind staying at the table, because I think we might have a
11 few questions that are more appropriate to ask you to
12 respond to.

13 (Pause.)

14 REPRESENTATIVE MANDERINO: Thanks. I do
15 remember your recent testimony before the whole Committee
16 a couple of weeks or a month or so again.

17 And if you could just refresh my
18 recollection because I think you touched on, and I
19 appreciated your abbreviated remarks this morning.

20 But I think you touched upon, when you met
21 with us last time, why the turn-around takes a year.

22 And I guess if you would, would just tell us
23 again what is going on there. And is what Ms. Grosh
24 suggested, the solution?

25 MS. McMANUS: Well, actually, her comments

1 regarding additional staffing, certainly, I would be most
2 supportive of.

3 REPRESENTATIVE MANDERINO: But is that the
4 issue with regard to the one-year turn around?

5 MS. GROSH: The issue is more complex than
6 that. The issue is not the fact that staff themselves are
7 not processing it fast enough, but a combination of
8 things.

9 And one is that many times we do not get the
10 information that we are requesting. We have to send out
11 another letter. We give -- an inordinant amount of time,
12 actually, for providers to respond.

13 There is a penalty if they don't give us the
14 information we need. There is no teeth in that as far as
15 having anybody to even go out and enforce it.

16 The other thing is that because we are
17 audited, we have to be very careful. We must get the
18 benefit statements, we must have all the insurance
19 statements.

20 And I think one point that should be
21 presented here today is that we are the payor of last
22 resort.

23 However, when these providers are paid, they
24 are paid in full. They are not paid what insurance pays
25 them. They are not paid what assistance pays them. They

1 get the full amount.

2 So it is in their interest to wait, knowing
3 that many of them do not want to do that and understanding
4 the complexities of that issue.

5 REPRESENTATIVE MANDERINO: Is it realistic,
6 I notice one of the issues you raise is the need to
7 increase collections to ensure compensation to victims.

8 On the other hand, we are moving everywhere
9 when we are looking at the whole cost of our health care
10 services and provision of services to what is a reasonable
11 charge.

12 MS. MCMANUS: Right.

13 REPRESENTATIVE MANDERINO: And we are doing
14 that when we talk about reimbursement for Medical
15 Assistance or for Medicaid or Medicare and we are putting
16 a percentage over the, over the Medicaid or Medicare
17 reimbursement.

18 What effect, if some kind of limitation like
19 that was put on what the Crime Compensation Board would
20 pay for services, do you think that that would have an
21 effect on the provision of services?

22 And if we did something like that, would
23 that mean more victims could be served?

24 MS. MCMANUS: That is a very good question.
25 I think that probably you would see that you would be able

1 to service more victims, because you would probably have
2 more money in the fund.

3 On the other hand, there may be providers
4 that might not be willing to, you know, settle for that,
5 although I seriously doubt that.

6 I am sure there are, but I think that for
7 the most part in looking at what other states have done
8 and some of the limitations that they have enacted, that
9 that has really not been the case.

10 REPRESENTATIVE MANDERINO: Ms. Grosh,
11 looking at your realm of providers that you have, what
12 kind of impact, if any, do you think a limitation on the
13 amount that they would be reimbursed might have on your
14 ability to find enough services for your victims?

15 MS. GROSH: I think it would pose
16 significant problems.

17 REPRESENTATIVE MANDERINO: Why?

18 MS. GROSH: I do believe the fact they are
19 willing to wait is because they are paid in full. And
20 that is, in fact, our ace in the hole.

21 And I think that it would pose significant
22 problems to them.

23 REPRESENTATIVE MANDERINO: If they were paid
24 more timely? Would that make a difference?

25 MS. GROSH: Perhaps.

1 REPRESENTATIVE MANDERINO: Thank you. Thank
2 you, Mr. Chairman.

3 CHAIRMAN JAMES: Thank you. Representative
4 Masland?

5 REPRESENTATIVE MASLAND: Well, we, while we
6 have Ms. McManus up there, A through I on your sheet, are
7 they prioritized?

8 MS. McMANUS: No, they were not.

9 REPRESENTATIVE MASLAND: If I can go back to
10 you for a second. If you had to prioritize them, what
11 would be your top three or four?

12 MS. McMANUS: Well, I would say A,
13 certainly, B, restitution and accountability, as far as I
14 am concerned, is a big issue on my part specifically. And
15 I would say E, certainly.

16 And, well, they are all important. I am
17 having a hard time on that.

18 REPRESENTATIVE MASLAND: I know it is kind
19 of difficult, but if we had to approve it in a piece-meal
20 fashion, if we can only bite off one part at a time.

21 MS. McMANUS: I would think supplementals,
22 the elimination of the Social Security claims under \$100.

23 And I know that certainly that is a touchy
24 issue. And I realize the sensitivity of it.

25 But yesterday I had two claims. One for \$10

1 and one for \$7. And I'm telling you that the amount of
2 time and the paperwork and the administrative costs in
3 processing those claims are extremely high.

4 And it is time that could be well spent on
5 some of those claims that are more difficult and more
6 complex.

7 And I bring that up just as a matter of
8 discussion and something that we would like to see.

9 REPRESENTATIVE MASLAND: Can you refresh my
10 recollection. What is the, I guess, the statute of
11 limitations for these claims?

12 MS. McMANUS: One year. Two years for good
13 cause. And if it is children, there is a different
14 statute. I mean, time limit. Five-year time limit.

15 REPRESENTATIVE MASLAND: So most of the
16 people, and I can remember looking into that a couple
17 months back when you were in with someone with a long
18 layoff, seven or eight years.

19 But for the children who have the need for
20 intermittent counseling, intermittent therapy that Pamela
21 Grosh talking about.

22 But for those children that have the need
23 for the intermittent care, and I can see that happening in
24 many cases.

25 MS. McMANUS: That's correct.

1 **REPRESENTATIVE MASLAND:** They are really out
2 in the cold.

3 **MS. McMANUS:** I think that there would have
4 to be a proviso in there, perhaps something that says,
5 except for good cause. And we would certainly look at
6 that.

7 I would also consider that somebody who has
8 had long-term disability. For instance, a paraplegic who
9 may need, you know, his wheelchair refurbished or
10 whatever.

11 You would have to take it on an individual
12 basis, as all claims are looked at on an individual
13 basis.

14 But I think there would have to be some
15 proviso in there. I am not saying that it would be a
16 holding.

17 **REPRESENTATIVE MASLAND:** But it is possible
18 under the current system for someone in a situation like
19 that who reaches puberty and all of a sudden all of the
20 problems in the past, maybe five years ago, come back,
21 that that person could possibly get some kind of --

22 **MS. McMANUS:** They do now. We have people
23 who have been in therapy for years and years and, you
24 know, it is a very hard issue, mental health counseling.

25 **REPRESENTATIVE MASLAND:** So long as the

1 initial claim is made within a year, if they have
2 subsequent flareups for lack of a better word?

3 MS. MCMANUS: Yes. And that is called a
4 supplemental claim. And some of those claims date back as
5 far as 1978, that we keep reopening and reopening and
6 reopening. And we pay those bills.

7 They may send a bill in and they haven't had
8 a bill for five years. You still have to spend the same
9 amount of time almost on those claims to process them.

10 And you still have to go out for
11 verification. You still have to make a determination.
12 You still have to examine them. So, it is very time
13 consuming.

14 And right now I would say that there are
15 about 220 of those supplemental claims in-house that are
16 opened on a continuous basis and some have been opened as
17 many as 20 times.

18 REPRESENTATIVE MASLAND: Okay. I guess my
19 main concern was that they were not going to be
20 reimbursed, they were going to have to foot the bill for
21 the therapy.

22 There was no way that they could get any
23 assistance on that.

24 MS. MCMANUS: I think that is something that
25 certainly we would be happy to work on.

1 REPRESENTATIVE MASLAND: Okay. Thank you.

2 CHAIRMAN JAMES: I thank you.

3 Representative Manderino?

4 REPRESENTATIVE MANDERINO: I'm sorry. Ms.
5 Grosh, if, if it is possible, can you give me an estimate
6 of what percentage of your claims would, in Lancaster,
7 would be Social Security claims under \$100?

8 MS. GROSH: I don't believe we have that
9 many.

10 REPRESENTATIVE MANDERINO: Thank you.

11 MS. McMANUS: May I make one more comment
12 regarding your question of the time limit.

13 The average time limit for most of our
14 claims is 36.6 weeks, so there are claims right now --
15 there are about 22 claims that are a year or older.

16 And those I am sure are the more complex
17 personal injuries claims that we have a difficult time
18 with. But that is the average. There are claims that
19 take longer and we do not dispute that fact.

20 But we also, I think, gave testimony as to
21 the reason why and what is involved with that.

22 REPRESENTATIVE MASLAND: Just a couple other
23 questions that came to me.

24 With regard to the dunning letters you were
25 talking about, Ms. Grosh?

1 MS. GROSH: Yes.

2 REPRESENTATIVE MASLAND: You tell all these
3 providers they are going to have to wait. They know that
4 ahead of time, and yet some of them continuously send out
5 these computer-generated letters?

6 MS. GROSH: Yes.

7 REPRESENTATIVE MASLAND: Is there any way
8 that you can let them know that you will stop using them
9 or is that not a viable alternative?

10 MS. GROSH: Absolutely not. We get involved
11 always after the fact, so the bills have been incurred
12 long before we have any part in the process.

13 REPRESENTATIVE MASLAND: They have already
14 gone to these providers.

15 MS. GROSH: Yes, generally on an
16 emergency-type basis following a crime incident.

17 REPRESENTATIVE MASLAND: Okay. I note, you
18 know, in Cumberland County the Crime Victim Witness Office
19 sometimes gets involved fairly close to the time of the
20 crime, although that is not always possible.

21 I don't know if it is possible for you to
22 steer people in the right direction if they haven't sought
23 therapy.

24 If the victim maybe hasn't felt the need for
25 therapy, even if it is there, maybe the rape counselors

1 haven't impressed upon them the need to get therapy, but
2 at least you could steer them away from the people that
3 are going to be more concerned about their bill than
4 anything else.

5 MS. GROSH: This is not generally the case
6 with therapists because we have generated a pool of
7 therapists who understand the Crime Victim Compensation
8 and are acquainted with the amount of time they will have
9 to wait.

10 This is the case with emergency hospitals,
11 doctors, radiologists, et cetera.

12 REPRESENTATIVE MASLAND: And I'm familiar
13 with that. They just like to send those
14 computer-generated letters out. It doesn't matter, every
15 month.

16 MS. GROSH: Absolutely.

17 CHAIRMAN JAMES: Thank you.

18 Just to continue along Representative
19 Masland's question.

20 On those -- because I was concerned about
21 those letters and what kind of impact or effect it may
22 have on the victims.

23 And I can understand that maybe a larger
24 business, maybe it's just something that is done by
25 someone else or within the red tape.

1 If, if -- would it help any if you told the
2 victims to give the letters to you?

3 MS. GROSH: We do receive a great number of
4 the letters generated by our service provider letters sent
5 to the service providers following the filing of the
6 claim.

7 Some letters then are simply directed to us
8 following that. We throw them away with no emotional
9 consequences.

10 However, for the victims themselves in most
11 cases, the provider feels strongly that the debt is
12 their's, which, of course, it is, and that whatever excuse
13 they may offer or justification they may offer for not
14 having paid this, is just not consequential enough for
15 them to stop.

16 CHAIRMAN JAMES: But I also understand that
17 they eventually get paid and they get paid the full
18 amount?

19 MS. GROSH: Yes, they do.

20 CHAIRMAN JAMES: But there are still some
21 complaining about the length of time?

22 MS. GROSH: Yes.

23 CHAIRMAN JAMES: Obviously, they are not in
24 our state system in terms of reimbursements.

25 (Laughter.)

1 MS. GROSH: Or maybe they are and they are
2 tired of waiting for their money.

3 CHAIRMAN JAMES: Okay. You had also said
4 something about the fact that you thought that more
5 staffing would help in terms of the filing of claims?

6 MS. GROSH: In terms of verification.

7 CHAIRMAN JAMES: Okay. And that process is
8 taking too long. And when you say, staffing, are you
9 talking about staffing within your office or staffing
10 within --

11 MS. GROSH: I'm talking about staffing
12 within the Crime Victims Compensation Board.

13 CHAIRMAN JAMES: Okay. Okay.

14 MS. MILOHOV: No more questions.

15 MS. MARSCHIK: No questions.

16 CHAIRMAN JAMES: Okay. Thank you very
17 much.

18 Now we are going to hear from the Deputy
19 Commissioner --

20 INSPECTOR MCLAUGHLIN: Chief Inspector.

21 CHAIRMAN JAMES: See, the deal is I know.
22 But, anyway, I know you don't mind the promotion.

23 I just want to commend you for coming and
24 also I want to acknowledge the fact that I worked with you
25 in the Police Department. Not under your direct command,

1 but always under your observation.

2 INSPECTOR MCLAUGHLIN: And as the Inspector
3 of South Police Division I did have the pleasure of
4 working with you in some tough areas such as the 7-E
5 District.

6 CHAIRMAN JAMES: That is correct. And,
7 also, I think you are the one that really started the
8 Victim/Witness or helped initiate it in South
9 Philadelphia, and I want to commend you for that and make
10 sure that is part of the record, because I heard you had a
11 lot to do with that. Okay.

12 And thanks for coming. Does Barbara need to
13 come up, too?

14 INSPECTOR MCLAUGHLIN: If Barbara --

15 CHAIRMAN JAMES: Barbara, why don't you join
16 us at the table? I always like our friends to join us.

17 INSPECTOR MCLAUGHLIN: I am Chief Inspector
18 Ed McLaughlin with the Philadelphia Police Department.
19 And I am here today representing Commissioner Neil. And I
20 would like to explain to you why Crime Victim Compensation
21 is important to the Philadelphia Police Department.

22 CHAIRMAN JAMES: Okay, can you hold on a
23 minute so we can get Barbara to identify herself for the
24 record to let the Commissioner know that she was here.

25 MS. MCPHERSON: Barbara McPherson, Victims

1 Assistance Program from the Philadelphia Police
2 Department.

3 CHAIRMAN JAMES: And you attend the
4 meetings?

5 MS. MCPHERSON: Yes, I coordinate the
6 meetings of the Victims Officers. We have 46 in the
7 Police Department.

8 CHAIRMAN JAMES: Okay. Thank you.

9 INSPECTOR MCLAUGHLIN: Back in -- I would
10 like to put this in the context of why Crime Victim
11 Compensation is important to Police.

12 Back in 1986, we initiated a, what amounts
13 to a cultural change, in the way we think about ourselves
14 and the way we think about the service that we provide.

15 I would briefly say that a way to describe
16 that cultural change is one from crisis oriented and
17 reactionary to pro-active and problem solving.

18 So that problem solving brought us into
19 neighborhoods in much closer contact. We started to
20 realize that although we used to sell the fact that we
21 would solve all the crime problems for people, we came to
22 realize as an organization that that would not be, that we
23 were incorrect in even believing that we could provide
24 that type of service.

25 And that the real solutions would come from

1 the neighborhood and those people in the neighborhood who
2 would come out and become involved in the solution, would
3 actually use the police as a resource for solving their
4 own problems.

5 And that gets to victimization and the fact
6 that when we would get into these neighborhoods we would
7 see, especially the neighborhoods that are plagued with
8 higher levels of crime and victimization, we would see
9 people demoralized.

10 And one of the issues of bringing a
11 neighborhood back is empowering people. Giving people
12 some sense of hope for the future.

13 And we had no mechanism in the Police
14 Department to do that. We would try to solve the crime
15 problems. We would try to work with them.

16 But I think that there is the issue of
17 making the victim whole. And that is where the Crime
18 Victim Compensation comes in.

19 In 1987, the Philadelphia Police Department
20 was starting to get a hint about our responsibilities to
21 victimization. And through the assistance of the National
22 Organization of Black Law Enforcement Executives, started
23 the Victims Assistance Program.

24 So that we now have Crime Victim Assistance
25 Officers in each of our 23 police districts. And those

1 officers are trained to help the victim fill out those
2 Crime Victim Compensation claim forms. Basically that is
3 why this is so important to us.

4 I think that Commissioner Tucker,
5 Commissioner Willie Williams and now Commissioner Richard
6 Neil have all signalled by the fact that they have kept
7 those officers in place in these tough times of resources
8 for all of us.

9 These three Police Commissioners have
10 recognized the importance of having those officers in
11 place and having people out there in the field helping
12 with the Crime Victim Compensation claims and also
13 networking those victims with the area Crime Victim or the
14 area Victim Service agencies, which have developed,
15 thankfully, in each police division in the city.

16 And we are starting to get a sense that
17 there is a net developing kind of under the victims.
18 Something that catch them when they fall.

19 And one of the things that I have recognized
20 in this is the length of time that it takes for a victim
21 to get compensation is critical to that feeling of being
22 whole, the feeling that they are empowered to become
23 involved in the solutions for the conditions in their
24 neighborhoods.

25 So I would submit to you that for whatever

1 you could do to speed up that process of speedy
2 compensation, it does bear on the ability of, for us, to
3 get this victim back into the mainstream of solutions in
4 the neighborhoods.

5 Thank you.

6 CHAIRMAN JAMES: Thank you. Barbara, do you
7 have anything to add?

8 MS. MCPHERSON: I would like to add the fact
9 that Crime Victims Compensation has been a real gift to
10 the street officers because it gives them something to
11 tell the victim when they have to encounter someone.

12 Many officers become frustrated because call
13 after call after call they hear the problems of the
14 victims.

15 But now they can refer them to our own
16 Victims Assistance offices and the Victim Assistance
17 agencies in the neighborhoods and they feel there is
18 something I can do immediately.

19 That many of them are shocked when they
20 learn that it takes a year for these people to be
21 compensated. And they have no way of relaying that to the
22 victim, that your pain will be eased, but you have to
23 wait.

24 So for the police officers' enthusiasm and
25 motivation, I think it is very important that something be

1 done to speed up the process for the victim and the
2 officer.

3 CHAIRMAN JAMES: Okay. Representative
4 Manderino?

5 REPRESENTATIVE MANDERINO: Thank you, Mr.
6 Chairman.

7 Just a quick question. I didn't realize
8 that there was something in the Police Department separate
9 from the various regional victim services that we have in
10 Philadelphia County.

11 How do you guys work together? Do you refer
12 people to them? Do you handle little things? And if it
13 is too big, give it to them, et cetera.

14 MS. MCPHERSON: Fortunately, in
15 Philadelphia, we have a wonderful Victims Service network,
16 the assisting of the DA's Office, the community-based
17 Victim Service agencies.

18 Our 23 Victim Assistance Officers have been
19 intensely trained in victimization matters. They are, as
20 you can well imagine, the victims are with us initially.

21 The Detective Division refers them to us,
22 the street officers refer victims to us. The officers
23 then walk through with the victim. CVC, any kind of
24 psychological counseling they may need. Anything.

25 If they need a report, transportation,

1 whatever, these officers have the flexibility in their
2 schedules to provide it or at least find it for them.

3 Our mandate is to do whatever we can to ease
4 the trauma of the victim.

5 REPRESENTATIVE MANDERINO: Okay. Are you
6 doing it more through the criminal, you know, while they
7 are going through the criminal procedure?

8 At what point do they leave you and go to
9 the other agencies? Or don't they necessarily do that?

10 MS. MCPHERSON: We refer them initially,
11 because we are the initial, the frontline, we refer them
12 to all of the others, if asked. If that is feasible.

13 And then we do not very much deal with the
14 court process. So if there is a defendant, then it goes
15 into the DA's Office Victim Program.

16 INSPECTOR MCLAUGHLIN: I would just like to
17 add to that, that our Victim Assistance Officers also fit
18 into an ongoing service even after the victim gets into
19 the Victim Assistance and into the court system, into the
20 DA's Victim Assistance.

21 There is a neighborhood life that goes on.
22 And that Victim Officer stays in contact to make sure
23 there are no threats. To make sure that if that occurs,
24 that, that the person knows how to handle that.

25 So that it is kind of a full-service thing.

1 **REPRESENTATIVE MANDERINO:** Thank you.

2 **CHAIRMAN JAMES:** Representative Masland?

3 **REPRESENTATIVE MASLAND:** Again, I come from
4 a relatively small county, Cumberland. We have had Crime
5 Victim Witness Assistants through the DA's Office for
6 sometime, but I can see it is a great idea in Philadelphia
7 and probably some other larger departments to actually
8 have officers who can be the frontline, as Barbara was
9 saying.

10 And instead of having to wait to see Pamela
11 in the DA's Office, they then can see someone sooner who
12 might refer them initially.

13 And that is probably something we can work
14 on to provide some incentive for maybe some larger forces
15 in the Borough to have them if not maybe some of the small
16 townships.

17 It might not be feasible, but certainly to
18 have more than -- just in Cumberland County we have two
19 people and they are up at the DA's Office. So I commend
20 you on that.

21 **INSPECTOR MCLAUGHLIN:** Thank you. We have
22 assisted other police departments in thinking that victim
23 service through.

24 We have had visits from other major police
25 departments. Barbara has shown some people around her

1 system.

2 CHAIRMAN JAMES: Okay. Thank you. I,
3 following along on the same line, when we had the
4 oversight hearings, and I just want to reiterate with
5 Chairman Caltagirone, who after, you know, in oversight
6 hearings, after observations, feel that we needed to
7 really go further into that.

8 He okayed for me to go ahead and to have
9 further hearings because he thought it was important in
10 terms of us bringing out the services and the need to
11 improve those services to the victims.

12 So I just want to make sure that is on the
13 record.

14 And the other thing was the State Police, in
15 terms of, like in towns as Representative Masland talked
16 about, when the police departments can't do it.

17 I think that is something that, and in
18 speaking with State Police officers, they say they have
19 started it.

20 I just don't think it is intensive enough
21 and ongoing enough. And I think hopefully that they are
22 going to lead towards dealing with that.

23 Because I think, and let me ask you this in
24 a question form. And knowing, of course, being a police
25 officer, too, and the problems on the street before this

1 happened, now that the police officers are able to tell
2 the citizens about this, have, have that helped in terms
3 of the partnership and the community police?

4 INSPECTOR MCLAUGHLIN: Exactly. That gets
5 back to my idea that I was trying to convey here about the
6 partnership that we develop in the neighborhood, the way
7 that people become empowered to work.

8 It is tough to get people out onto the
9 street in some of our neighborhoods. And empowerment,
10 hope, being able to network with other people, sharing of
11 values between other people. That is the kind of stuff of
12 whole neighborhoods.

13 And making the victim whole is part of that
14 process.

15 CHAIRMAN JAMES: Okay. Just so I can make
16 sure that we have the picture clear for the record, is
17 that you have 23 police districts and that is broken up
18 into nine divisions?

19 INSPECTOR MCLAUGHLIN: Nine divisions.

20 CHAIRMAN JAMES: Okay. And each division
21 have a Victim/Witness Service Center or area?

22 INSPECTOR MCLAUGHLIN: We don't have one in
23 every division yet. I think we are missing one in West
24 Philadelphia. West Philadelphia is the only place. And
25 we are working on that.

1 We just opened one in East Division, which
2 is probably our highest level of victimization in the
3 city. The East Division.

4 CHAIRMAN JAMES: East?

5 INSPECTOR MCLAUGHLIN: Yes, what the press
6 calls the Bad Lands.

7 CHAIRMAN JAMES: Okay. I was thinking of
8 northeast.

9 (Laughter.)

10 CHAIRMAN JAMES: Okay. Right. Okay. So
11 the Victim Witness Officer, when they, when the officer
12 comes in, they refer them to the Victim Witness Office and
13 the Victim Witness Officer would then follow up with the
14 witness and then the Victim/Witness Officer refers them to
15 the, what?

16 INSPECTOR MCLAUGHLIN: Whoever. I mean,
17 there are different -- if it is domestic violence, you
18 know, if there is some referral, like, the Victim Officers
19 get a wide range of referrals.

20 They are becoming known as a resource for
21 the 911 officers. If the 911 officer gets to go into a
22 house, for example, at 3:00 in the morning, well, there is
23 no, there is very little victim assistance at that time in
24 the morning.

25 But now that officer has a way to refer

1 whatever, whatever he or she thinks is going on there,
2 back to the Victim Officers.

3 So it is recognizing that there is a crime
4 being committed against someone, if it is
5 domestic-violence related, we have a channel for that.

6 Each detective division in the city now has
7 a Domestic Violence Response Team comprised of a detective
8 and one or two police officers who do nothing but focus on
9 domestic violence.

10 And that goes to our realization that the
11 schools are not the answer to solving the violence
12 problems with the children.

13 We have to get into the homes.

14 CHAIRMAN JAMES: That's true.

15 INSPECTOR MCLAUGHLIN: And that is all part
16 of our recognition of victimization as being one of the
17 root causes of crime.

18 CHAIRMAN JAMES: You just raised another
19 question for me. And I'm glad to hear that, that you have
20 a domestic violence response team.

21 Do we have female officers on each one of
22 those teams?

23 INSPECTOR MCLAUGHLIN: Yes, we do.

24 CHAIRMAN JAMES: That is good.

25 The other thing what I was trying to find

1 out, is how does the Victim Witness Officer get to refer
2 the victim to the Victim Witness Program?

3 INSPECTOR MCLAUGHLIN: Well, they work with
4 those programs and I mean, it is just, it is a phone
5 call.

6 CHAIRMAN JAMES: So let's say, for example,
7 if it is domestic violence would they still refer them to
8 the Victim Witness Program or just refer them to domestic
9 violence, whoever handles domestic violence.

10 MS. MCPHERSON: To the Domestic Violence
11 Program, if it is appropriate for that.

12 But let me mention that community groups
13 refer to the police officer as well. There are things
14 that we do better and easier than they can.

15 So it is a reciprocal thing.

16 CHAIRMAN JAMES: So, for example, I had a
17 constituent last week, an older person. His home was
18 burglarized. He lived by himself and he had to go down to
19 the Division to testify. And he was afraid.

20 And we called the -- we called the Victim
21 Witness Officer and it was my understanding that that
22 officer escorted that person to court.

23 That is one of the services that you do?
24 And that helps in terms of prosecution?

25 INSPECTOR MCLAUGHLIN: We can't do that all

1 the time, but if it is appropriate, we do provide that
2 service.

3 CHAIRMAN JAMES: Okay. All right. That is
4 good. Okay. Any questions?

5 MS. MILOHOV: Marianne, could you reiterate,
6 please, what the percentage of claims you get from
7 Philadelphia is?

8 MS. McMANUS: I would estimate that it is
9 near 50 percent. At one point it was 49, I would say that
10 we are closer to 50 now.

11 MS. MILOHOV: I know one of the things that
12 has been brought up several times is having two offices or
13 just a regional office for Philadelphia alone, so that
14 there could be hearings, if need be, right there in
15 Philadelphia, rather than picking up your staff and going
16 there.

17 Or how you do it now, is have them come up
18 here.

19 Would it at all be feasible and workable to
20 have an administrative office here in Harrisburg that
21 oversees a field office in Philadelphia? Since you do
22 have such large volume from that area?

23 MS. McMANUS: Well, as you know, there was a
24 Philadelphia Office several years ago. Due to fiscal
25 restraints and because it really was not being utilized

1 that much, and I had looked at statistics of how many
2 people they had actually serviced within any given period
3 of time, like had come in the office, all the verification
4 was done in the Harrisburg office.

5 Claims were being taken out of the office
6 and transported to the Philadelphia office to be reviewed
7 and so forth.

8 It was not feasible. We consolidated it.
9 We brought the position to Harrisburg. And it seems to be
10 working quite well.

11 I would add one thing as far as the length
12 of time that is involved in the claims, and try to address
13 that if I may at this time.

14 It is taking us anywhere from three to four
15 months, according to my staff, to get homicide reports
16 from Philadelphia.

17 So that means before we can start working on
18 the claim, four months has passed, so that is one area
19 where the timeframe comes in for that particular claim.

20 If, if, you know, anyone can help us or help
21 my staff work on that situation to expedite that process,
22 you know, we would be happy to do anything that we can to
23 get them faster, knowing that it certainly is going to
24 have to come from the other end.

25 Addressing also the issue of having hearings

1 in Philadelphia and so forth, we looked into that as far
2 as the cost factor. And for each hearing it would cost
3 approximately \$3,000. That is not addressing the issue of
4 having the office in Philadelphia. That is for a court
5 stenographer, transportation, et cetera.

6 We just could not handle that
7 administratively with our budget.

8 CHAIRMAN JAMES: Excuse me. When you talk
9 about a hearing in Philadelphia, are you talking about for
10 the victim?

11 MS. MILOHOV: Yes.

12 CHAIRMAN JAMES: Because they were
13 complaining about having to travel to Harrisburg.

14 And you are saying that it is going to cost,
15 if you was to go to Philly and it would cost \$3,000 per
16 hearing?

17 MS. McMANUS: We are looking at the cost of
18 getting the room, having the court stenographer,
19 transporting a staff and board members for the hearing.

20 And the estimate was anywhere between \$2,000
21 and \$3,000.

22 REPRESENTATIVE MANDERINO: Mr. Chairman?

23 CHAIRMAN JAMES: Go ahead. Representative
24 Manderino?

25 REPRESENTATIVE MANDERINO: That is assuming

1 one hearing per day; is that correct?

2 MS. McMANUS: Well, there is a very hard
3 problem with bunching hearings.

4 We have hearings in Harrisburg right now
5 where we try to have maybe two or three in a day. And it
6 is not always feasible.

7 We get lawyers that call us and tell us they
8 have a court case and can't come. We have already engaged
9 the room, the stenographer, et cetera. So it is a
10 difficult problem.

11 REPRESENTATIVE MANDERINO: I mean, I am
12 hearing what you are saying, but I am also sitting here,
13 saying, we have a state office building in Philadelphia,
14 isn't there an arrangement we can make?

15 We do visiting days of the Capital.
16 Couldn't we have a one day a month that is a Philadelphia
17 day or something like that?

18 I mean, it seems to me that there is a
19 little bit more room and ways that things could be done to
20 make that maybe more economically feasible. And maybe
21 those should be examined.

22 MS. McMANUS: And we would be glad to look
23 into that.

24 MS. MILOHOV: I have one more question.

25 CHAIRMAN JAMES: I'm sorry, Galina?

1 MS. MILOHOV: Another thing that your
2 testimony brought up for me was the fact that maybe it
3 would be appropriate to ask the victim facilitation
4 officers, I forget what their correct title is, to also
5 not only help the victim through the process, but to make
6 sure all the paperwork is forwarded to you in a more, a
7 shorter timeframe.

8 MS. McMANUS: They try very hard to
9 accommodate us in that manner.

10 MS. MILOHOV: Okay. Good.

11 CHAIRMAN JAMES: Okay. All right. Yes,
12 because I think, Representative Manderino, I think that
13 that with 50 percent of the claims coming from
14 Philadelphia, we definitely should be able to, you know,
15 we talk about helping victims, and trying to make it
16 easier for them.

17 If we could do something in terms of having
18 hearings there. Because I know we have meetings at the
19 State Building and what do they call it, the penthouse
20 suite?

21 REPRESENTATIVE MANDERINO: They always find
22 a room for us.

23 CHAIRMAN JAMES: So we could definitely get
24 that.

25 REPRESENTATIVE MANDERINO: The Workers

1 Compensation hearing room.

2 CHAIRMAN JAMES: I think that can be done.
3 We just need to and, hopefully, we will follow up on how
4 we can do that, with the help from the Mayor and the DA's
5 Office, and maybe that would increase participation.

6 MS. McMANUS: Well, you know, they have a
7 step before that, which is a reconsideration.

8 So the hearing is really like a third step
9 in the whole process.

10 CHAIRMAN JAMES: Okay.

11 MS. McMANUS: They can ask for a
12 reconsideration even without a hearing, which means any
13 other documentation evidence that they send in will be
14 examined.

15 CHAIRMAN JAMES: We will follow up on than
16 in terms of helping more victims.

17 Any more questions?

18 MS. MILOHOV: Yes. I wanted to know one
19 more thing about the police service.

20 Are all of the police officers aware that
21 they have a Victim Services Officer on staff that they can
22 go to for help or referral?

23 And, secondly, are all the officers trained
24 in sensitivity for victims?

25 MS. MCPHERSON: All of the Victim Assistance

1 Officers address road calls continuously on highlighted
2 victimization matters. And retraining and reiterating
3 sensitivity and, et cetera.

4 In addition to that, our Police Academy
5 trains all officers in sensitivity.

6 MS. MILOHOV: Okay. And they are aware that
7 they can refer to your office?

8 MS. MCPHERSON: Yes, all field officers are
9 aware that the Commissioner issued a directive when the
10 program was initiated which informed everyone, and they
11 have daily contact with the street officers, which is one
12 of the advantages, is that the Victims Assistance Officers
13 are street officers.

14 These were their coworkers before they
15 became specialists. So the relationship works very well
16 for us.

17 MS. MILOHOV: I see. Thank you.

18 CHAIRMAN JAMES: One question that I would
19 like you to answer, Chief.

20 What problem, what is the worst thing you
21 see in terms of this? The Victim Witness Officers and
22 their help and how maybe we could improve.

23 I know you already said about speeding up
24 the claims. But is there anything else that you can see
25 that is real bad?

1 INSPECTOR MCLAUGHLIN: Well, as far as the
2 system, I'm not, I know that from my perspective the
3 volume of work that we have and the fact that we are
4 getting, every day, more sensitive to the issues of
5 victimization in the neighborhoods, makes me concerned
6 about that volume again.

7 I just hope that we are able to function
8 effectively ourselves.

9 And I'm not aware. Maybe Barbara is aware
10 of anything else that is a major problem.

11 MS. MCPHERSON: No, but I think as we all
12 become more concerned about victimization and helping the
13 crime victim, that our requests are going to increase.

14 And I think you are raising the expectations
15 in both law enforcement and the victims if we don't honor
16 those as quickly as possible.

17 So I think that probably is the crux of the
18 problem.

19 The fact that CVC exists is a godsend, I
20 think, to everyone. But we need to be able to live up to
21 what is expected with a system like that.

22 CHAIRMAN JAMES: All right. Well, thank you
23 so much. And I appreciate your testimony and the good
24 work that you have done in this regard. And we look
25 forward to you being Deputy Commissioner.

1 INSPECTOR MCLAUGHLIN: Thank you for the
2 opportunity to be here.

3 CHAIRMAN JAMES: Next we have Gene Frasier.

4 MR. FRASIER: Good morning. My name is
5 Eugene Douglas Frasier and I am the Executive Director of
6 the North Central Victim Services Program in
7 Philadelphia.

8 It is my duty and responsibility as an
9 advocate and spokesperson for victims and witnesses, that
10 I convey to you shortcomings and inefficiencies in
11 delivering to them quality and effective service.

12 My attendance today compels me to testify on
13 behalf of the underrepresented victims and witnesses that
14 the criminal justice system depends on to facilitate
15 prosecution.

16 My comments will be targeted to the area of
17 Crime Victims Compensation claims processing. The average
18 length of time it takes for the CVC board to process a
19 claim for medical expenses is nine months to a year.

20 For senior citizens' compensation claims for
21 loss of Social Security or pension checks, it takes six
22 months or longer. This inordinant amount of time causes
23 extreme hardship and aggravation to senior citizens who
24 already have been taken advantage of.

25 It would help if a system could be developed

1 to accelerate the claims of senior citizens.

2 Here is an example of the aggravation of
3 senior citizens that sometimes are subjected to the
4 idiosyncratic behavior of the CVC Board.

5 And elderly victim in North Philadelphia was
6 robbed in her home in the early morning around 3:00 a.m.,
7 her money and valuables were taken. On her dresser were
8 her glasses that were taken. They were not on her
9 person. The CVC Board refused to pay for the eye glasses
10 because they were not on the victim.

11 It seems to me that the CVC Board could
12 display more consideration especially to senior citizens.

13 Also, the CVC Board has delayed claims for
14 what appears to be arbitrary and capricious motives.

15 In cases when all the information has been
16 provided by our program, there have been delays of claims
17 because the police report reflected the name to be Jimmy,
18 the CVC Board has called the Philadelphia Police
19 Department and maybe the name was reflected to be Timmy.

20 And for that reason, there has been a
21 tremendous delay in processing the claim.

22 I would like to add that the North Central
23 Victims Services program is in the heart of North
24 Philadelphia.

25 The credibility of our program is tied to

1 how fast we can get claims processed. Especially for
2 senior citizens.

3 And this is important because the average
4 senior citizen in Philadelphia that receives Social
5 Security benefits receive \$200 to \$300 a month.

6 When they are robbed and that money is lost
7 and we attempt to recover it for them, that is the only
8 thing they have to live on for one month.

9 Any unnecessary delay causes us to advocate
10 for them to go to their churches to ask for food and
11 support to tide them over.

12 It seems to me that this Board could show
13 some consideration for the people that the very program
14 was created to help.

15 For senior citizens to have to wait for an
16 inordinary nature amount of time to get \$200, \$300
17 reimbursement when we have provided all of the
18 information, it is ridiculous.

19 The Chairman of my Board, Reverend Jerome
20 Cooper, asked me to convey to you that he does not want to
21 get involved in this process, but it appears to him that
22 there is insensitivity and a lack of caring for victims.

23 I would like to urge you to do whatever you
24 can, because it seems that black folk have spent all their
25 life waiting. We seem to have spent all of our time

1 waiting.

2 And when people come to our program and they
3 have to wait, it compromises the credibility of the
4 program.

5 We now have people that are starting, again,
6 in North Philadelphia, there is some suspicion of the
7 system, quote, unquote.

8 And when we encourage them to come, we can
9 help you. And it takes a year or longer, it compromises
10 the credibility of our program.

11 We have addressed this issue before,
12 locally, with my colleagues in Philadelphia. I would hope
13 this time we can get it right.

14 It seems to me that this is a problem that
15 continues to come up over and over again. I would hope
16 today that we can leave and I can take back some hope to
17 the people that I service.

18 Thank you very much.

19 CHAIRMAN JAMES: Have you ever used the
20 emergency services? Whatever the service is called, where
21 you can get money quicker than the normal process?

22 Excuse me, what is that service called?

23 MS. McMANUS: Emergency award.

24 CHAIRMAN JAMES: Emergency award? Have you
25 ever tried that?

1 MR. FRASIER: We have tried every service
2 and we have not been successful in getting money to
3 victims.

4 We have had to go to churches in the
5 community to ask for donations to tide victims over.

6 CHAIRMAN JAMES: Thank you. Representative
7 Manderino?

8 REPRESENTATIVE MANDERINO: Thank you, Mr.
9 Chairman.

10 Mr. Frasier, can you give me a ballpark
11 estimate of within North Central Victims services, what
12 percentage of your claims are for Social Security and what
13 percentage of those are for claims under \$100?

14 MR. FRASIER: Under \$100, none. I am sure.
15 And I have said to my people that we can provide the
16 victims with help if it is under \$100.

17 More than 50 percent of our claims are
18 Social Security.

19 REPRESENTATIVE MANDERINO: Okay. So if they
20 are small claims and you are providing them with
21 assistance otherwise, how are you getting it?

22 Are you going to community-based
23 organizations and churches?

24 MR. FRASIER: Churches, churches in the
25 community.

1 In the African American community most of
2 our people are connected with a church. And we contact
3 the pastor. The church will support that victim. And if
4 it is a small amount of money we can help them with that.

5 REPRESENTATIVE MANDERINO: I guess my second
6 question is for Ms. McManus.

7 Mr. Frasier, by way of example, used an
8 incident where, you know, he was talking about a claim
9 that there was confusion because of maybe the name or
10 something like that.

11 And I know that one of your points that you
12 raised is a problem that has to do with auditing or the
13 amount of auditing.

14 Do you see those two things as connected?
15 Do you see that, obviously, I'm assuming that the example
16 Mr. Frasier gave is something that happens sometimes with
17 maybe an extraordinary care to making sure that every "i"
18 is dotted and every "t" is crossed.

19 Is that, is that a function of how you are
20 audited? What is that a function of?

21 And is part of your recommendations with
22 regard to changes, with auditing, something that can
23 alleviate or speed up misunderstandings or discrepancies
24 like that?

25 MS. McMANUS: Well, I think when you look at

1 the volume of claims that we receive, and you look at the
2 number of claims with same names that we get, we have to
3 be extremely careful that we have got the right police
4 report and that we are compensating the right claim.

5 I am not saying that did not happen, and I
6 am sure that my staff that is here could probably speak to
7 that better than I can.

8 But they are very, very careful. And I
9 think that is one of the very reasons that we have very,
10 very few requests for reconsideration or hearings.

11 I mean, we do make every effort to try and
12 be as thorough as possible up front so that we don't run
13 into a problem at the end.

14 The other issue that he has brought up about
15 it taking so long for Social Security claims, I think
16 there are several points to be addressed.

17 Number one. Pennsylvania is extremely
18 fortunate that they have Social Security reimbursement.
19 We are the only state that compensates for Social Security
20 claims. Number one.

21 Secondly, the emergency awards that come in
22 are immediately referred to a Board member upon receiving
23 them.

24 And we can write a check the very day if
25 necessary from our advancement account. And we do not

1 always wait for a police report. We may have to because
2 we verify in the same manner. It depends.

3 So there are several avenues available that
4 I would encourage him to take advantage of, if there is a
5 real need.

6 Now, I would also say that every request for
7 an emergency award is not honored. We have to make a
8 determination also that undue hardship would exist if this
9 was not immediately paid.

10 And if it is going to a provider, the
11 chances are, I mean, we would not pay it. It has to be
12 for the person himself as an out-of-pocket loss.

13 We do not also have any minimum loss
14 requirements for those people over 60.

15 So, you know, I think there are several
16 areas to be addressed here and to be cognizant of.

17 I think we do have a sensitivity but we also
18 have to realize that while Social Security claims, and it
19 was something that we were criticized for in taking Social
20 Security claims above every other claim, because they were
21 simpler, because they did have the information there.

22 It is the contention that everybody is
23 eligible that is there. I mean, if the determination has
24 already been made and that you don't take someone above
25 somebody else unless there is a real need.

1 That you try to process them according to
2 how they are received.

3 REPRESENTATIVE MANDERINO: Okay. Two
4 questions.

5 The first one, do you have a list of
6 criteria for what constitutes an emergency? And what are
7 they?

8 MS. McMANUS: Well, the list, I mean, as far
9 as having criteria for an emergency, each claim is
10 examined on an individual basis, and they give the
11 explanation for why they need the emergency award and then
12 the determination is made.

13 And there is -- I would say that there are
14 very, very few that we have turned down, however, we have
15 in some instances done that.

16 And most of the time it is because it is due
17 to a provider.

18 REPRESENTATIVE MANDERINO: My second
19 question is, I have been asking and will continue to ask
20 each of the various providers what percent of their Social
21 Security claims are under \$100. And so far the answer has
22 been not many.

23 But what percentage, when they all come in
24 to your office, would you estimate you are spending time
25 and staff on claims under \$100?

1 MS. MCMANUS: Off the top of my head, I
2 really don't have a percentage for that.

3 VOICE: I would say approximately 20
4 percent.

5 REPRESENTATIVE MANDERINO: 20 percent of all
6 claims or all claims on Social Security?

7 VOICE: All claims on Social Security.

8 REPRESENTATIVE MANDERINO: And what
9 percentage of all claims are Social Security?

10 Did you tell me 50 percent?

11 VOICE: No, 50 percent of the claims are
12 coming in from Philadelphia.

13 MR. FRASIER: No, ma'am, the North Central
14 Victimization Program.

15 REPRESENTATIVE MANDERINO: No, into the
16 crime compensation. You are saying 20 percent of your
17 Social Security claims are for under \$10 approximately.

18 And then my next question is what percentage
19 of total claims are Social Security claims?

20 VOICE: 25 percent.

21 REPRESENTATIVE MANDERINO: So we are talking
22 about 20 percent of 25 percent, which is probably 5
23 percent.

24 So 5 percent of all total claims that you
25 are talking about are claims for Social Security under

1 \$100? Okay.

2 I guess my last question then you probably
3 answered this, Ms. McManus, when you appeared before us
4 and so I know I am asking a repetitive question.

5 How many staff people do you have that are
6 handling these claims and what is their average caseload
7 or claim load or whatever?

8 MS. McMANUS: We have a complement of 14.
9 That includes the three Board members and the attorney,
10 who we are minus right now.

11 REPRESENTATIVE MANDERINO: But the people
12 who do day-to-day gathering all the information to give it
13 to you?

14 MS. McMANUS: Seven.

15 REPRESENTATIVE MANDERINO: Seven?

16 MS. McMANUS: Yes.

17 REPRESENTATIVE MANDERINO: Do they have a
18 lot of personal contact with the people making the claim
19 or is it all paperwork back and forth?

20 MS. McMANUS: No, they have a lot of phone
21 contact with Victim Service agencies, police, providers,
22 and the claimant themselves.

23 REPRESENTATIVE MANDERINO: Okay. Thank
24 you.

25 CHAIRMAN JAMES: Thank you. Representative

1 Masland?

2 REPRESENTATIVE MASLAND: I really, to move
3 things along, don't have any questions.

4 I was more interested in the point/counter
5 point between Mr. Frasier and Ms. McManus, since he did
6 raise some concerns.

7 And I appreciate your answers, but I think
8 probably the bottom line is, as with any agency, things
9 can be done better. And I hope you can work on addressing
10 his concerns.

11 CHAIRMAN JAMES: Yes. Thank you. And I
12 just want to reiterate that.

13 But I just have one question because the
14 point about the eye glasses. I mean, if someone has a
15 burglary, do you not compensate for things they lost in
16 the burglary?

17 MS. MCMANUS: The legal opinion that we were
18 given --

19 CHAIRMAN JAMES: Whose?

20 MS. MCMANUS: Our Chief Counsel's opinion
21 from the Crime Victims Compensation Board, is that the
22 loss of the eye glasses is to be as a result of the
23 injury, personal injury crime.

24 So, therefore, if it is just taken, for
25 instance, if a car is stolen and your glasses are in there

1 and it is gone, we do not compensate. If you were mugged,
2 if the pocketbook was snatched from your shoulder, then
3 that we would compensate.

4 MR. FRASIER: Now, I might add what we found
5 in this case is that the --

6 MS. McMANUS: That is the way the statute is
7 written.

8 MR. FRASIER: The assailant took the glasses
9 and crushed them so the victim could not identify him.

10 CHAIRMAN JAMES: So it seems that that puts
11 it in another perspective.

12 MS. McMANUS: And was that information given
13 to the Board?

14 MR. FRASIER: That information was
15 submitted.

16 CHAIRMAN JAMES: See, I would think like in
17 that case that fits into what you just said.

18 MS. McMANUS: Well, and I don't know the
19 circumstances. And I would be happy to discuss that with
20 them.

21 CHAIRMAN JAMES: Okay. What Representative
22 Masland said is, maybe we are here -- and we are not here
23 to attack, we are here to try to help victims, all of us,
24 and this is the reason for the hearings.

25 And so, and you seem to be taking it in that

1 vein and I appreciate that.

2 Representative Manderino?

3 REPRESENTATIVE MANDERINO: Thank you.

4 Actually, and I am saying this in jest, but my first
5 reaction was to say get new legal counsel, I whispered.

6 But you actually made a point, you actually
7 made a point that, and you referred to that, is how it is
8 written in the statute.

9 So my question is, if I am of the opinion
10 that something like, not obviously a TV, but something
11 like somebody's eye glasses, somebody's cane, something
12 that physically makes that person function, is part of
13 what has been lost, is there something if we, as lawmakers
14 believe that that is something that they should be
15 compensated, that we should be changing about how our own
16 statute is written?

17 And if so, please enlighten us.

18 MS. McMANUS: Well, that is a very good
19 question. And I think it is something probably that you
20 can look at as far as changing the statute.

21 And then saying as a result, as a direct
22 result of the personal injury crime, and you may want to
23 just categorize it and say, if those are taken, they will
24 not be deemed as personal property, but we would pay for
25 prosthetic devices, if it was a result of a personal

1 injury crime.

2 If they were hurt, et cetera, we would pay
3 for, you know.

4 REPRESENTATIVE MANDERINO: Right. But right
5 now if they weren't harmed individually, but their eye
6 glasses, prostheses or other medical devices that they
7 need to function as a person are missing, the way we have
8 our law written now, you can't compensate?

9 MS. McMANUS: We do not compensate.

10 REPRESENTATIVE MANDERINO: Because you
11 can't, because of the law, that is the way the law was
12 written?

13 MS. McMANUS: That is the opinion that was
14 given to us.

15 REPRESENTATIVE MANDERINO: Would you do us a
16 favor and forward to our Subcommittee Chairman that legal
17 opinion and the statute on which it was based, so we can
18 take a look at it.

19 MS. McMANUS: Sure.

20 REPRESENTATIVE MANDERINO: Okay.

21 CHAIRMAN JAMES: Thank you. Thank you and
22 thanks for the exchange.

23 VOICE: May I say one thing about addressing
24 the Social Security claims.

25 CHAIRMAN JAMES: Who are you?

1 MS. MUSA: Darby Musa, M-U-S-A.
2 Administrative Officer for the Board.

3 Our advancement account right now we have a
4 limit of about \$1,000 on our advancement account. And an
5 emergency award can be made up to \$1,000 on that account.

6 One thing we would try to look into is maybe
7 raising the limit on the advancement account so we can
8 address Social Security claims as soon as they come into
9 the office.

10 We can write a check and get it out much
11 quicker than if we have to wait and let it go through the
12 whole claims process.

13 CHAIRMAN JAMES: Is that part of statute,
14 too?

15 MS. McMANUS: No. The advancement account
16 was something that we pushed for. We asked for \$50,000.
17 We got an advancement and this was back in 1988, I
18 believe.

19 We asked for \$50,000. We got \$5,000. You
20 can imagine the paperwork alone that is involved in
21 getting that replenished just to address, you know, the
22 claims.

23 If we get that increased, we would also need
24 to have people that can take care of, you know, just
25 writing claims from that.

1 I mean, it is work.

2 CHAIRMAN JAMES: Okay. Representative
3 Manderino?

4 REPRESENTATIVE MANDERINO: No.

5 CHAIRMAN JAMES: Thanks.

6 And now we are going to hear from the other
7 witnesses. That would be Debra Spungen.

8 MS. ADELEYE: This is not Debra Spungen.

9 CHAIRMAN JAMES: I didn't think so.

10 MS. ADELEYE: I am her assistant. Good
11 morning, my name is Kemi Adeleye and I am the Program
12 Director of Families of Murder Victims, also known as
13 FMV.

14 FMV is a non-profit victim advocacy group
15 that services survivors of homicide victims in
16 Philadelphia.

17 One of FMV's primary services is assisting
18 clients in applying for Crime Victim Compensation. This
19 assistance is provided through aiding in the completion
20 and filing of CVC forms as well as monitoring the
21 processing and dispositions of claims.

22 Our office is the main agency that assists
23 in filing the largest number of death claims each year.

24 In the year of 1991-1992, FMV filed an
25 estimate of 50 percent of the 300 processed death claims

1 reported by the Crime Victims Compensation Board.

2 FMV recognizes and commends the good work of
3 the Crime Victims Compensation Board. The organization
4 has done wonderful deeds that our office would like to see
5 continue and improve.

6 Hence, FMV would like to address some areas
7 of concern regarding death claims:

8 I. Emergency fund. Although available
9 under the Crime Victims Compensation Act, the fund
10 has become impractical and less applicable to
11 homicide cases.

12 This is due to the Crime Victims
13 Compensation's system of operation which does not
14 allow for the emergency financial needs of homicide
15 survivors.

16 These needs are usually immediate and in the
17 form of monetary coverage of expenses incurred as a
18 result of funeral service expenses.

19 As a compromise, the Crime Victims
20 Compensation Board should absorb the
21 interest-bearing principal amount which accrues in
22 certain homicide related expenses.

23 For example, funeral expenses, et cetera.
24 And the meantime, we would like to call for
25 expedient processing of such claims.

1 II. Crime Victims Compensation form. The
2 Crime Victims Compensation form has undergone
3 tremendous revision and change. However, the form
4 still lacks many pertinent areas of instruction
5 pertaining to death claims.

6 For example, information on the necessary
7 documentation is usually unstated.

8 Even though there is a general rule that
9 applies to all Crime Victims Compensation claims,
10 there are specific rules that are certain categories
11 of crime.

12 When we are dealing with homicide we have
13 two specific rules that we have to actually relate
14 to our clients which is one, that the victims that
15 died must not been involved in any kind of illegal
16 activities.

17 The other eligible specific rule is that the
18 victim that died must not have contributed to his or
19 her own death. That is not stated on the form.

20 And those two rules are a major determining
21 factor whether a claim is going to be honored or
22 not.

23 We have a lot of claimants that file claims
24 independently without using the assistance of our
25 office. This creates complication in the procession

1 of the claim, because they are not aware of such
2 rules.

3 It is not stated anywhere where they can
4 easily get that information unless they know about
5 our office and they seek our assistance.

6 And therefore, in the long run, it delays
7 the processing of the claim.

8 In order to rectify this problem, FMV
9 suggests devising a single detail oriented CVC form
10 per type of claim.

11 III. Crime Victims Compensation Denial
12 Letters. The method employed by the CVC in
13 informing claimants of the denial decisions on their
14 claim is sometimes judgmental, at best.

15 And I have two good examples of those. I
16 brought two denial letters which our office received
17 this year. One as recently as yesterday.

18 The first one has to do with a homicide
19 claim. Where the killing occurred when the victim
20 was approached by two offenders who were attempting
21 to steal drugs from him. When that attempt failed,
22 they shot him.

23 The Crime Victims Compensation denial letter
24 stated on this claim, and I quote, "In this instance
25 the victim was frequenting a place where drugs were

1 illegally bought, sold and consumed and was
2 participating in illegal conduct (selling drugs.)
3 He cannot be defined as an innocent victim.

4 Drug dealing is inherently dangerous and
5 anyone who does so assumes the risk of serious
6 injury or death."

7 I believe we all know, we are all aware of
8 the actuality of drugs and no one knows that better
9 than a claimant who has just lost a loved one, such
10 an epidemic. They do not need the direct, blunt
11 letter, denial letter, from Crime Victims
12 Compensation to rehash the tragedy that they are
13 facing, they are facing or have just been faced.

14 And just, in general, claimants get very
15 upset when they get turned down by Crime Victims
16 Compensation, especially the financially-needy
17 claimants.

18 That they also get more upset when they read
19 such a statement that I just read. It makes
20 claimant feel infuriated and they get greatly
21 disappointed. And they feel that they are put at a
22 defense and, in having to actually defend their
23 loved ones. At a time when they are going through
24 severe trauma.

25 Claimants interpret statements as such as

1 being judgmental, opinionated and they feel that
2 their denial is more of a justification of them for
3 the acts of their loved ones rather than the mere
4 violation of CVC policy.

5 The second letter came into our office, like
6 I said, earlier. As recently as yesterday. And the
7 claimant on this, in this case was the mom of a
8 victim who was very upset when one of my colleagues
9 who I spoke to, just not only because she was
10 denied, I mean, she was partially compensated and
11 not fully compensated, but also because of the
12 content of the letter.

13 And I read, "In this case the victim went
14 out looking for a fight and started one."
15 Notwithstanding the conduct and poor judgment of the
16 victim, I think just that phrase alone was what
17 really upset her. That she felt that they were
18 passing an opinion on behalf of a loved one.

19 And she got very upset. And when my
20 colleague that spoke to her, told her that I was
21 coming in here to give testimony, she supported me
22 in using this as an example to view that.

23 The Crime Victims Compensation Board should
24 employ non-inflammatory language and apply a more
25 sensitive method of disclosing their rationale as to

1 why the claim has been denied. Rather than
2 condoning the victim as one who is not innocent, the
3 Board should simply make reference to the fact that
4 the victim's actions were in violation of the Crime
5 Victims Compensation policy.

6 And I think that the way the denial letter
7 is formatted, it usually states what the -- what the
8 rules are. And then it gives a little bit of a
9 synopsis of the -- a little bit of the facts of the
10 evidence that violates their rule.

11 And I think just reaffirming that with a
12 statement that says, clearly, this is a violation of
13 Crime Victims Compensation policy, would probably be
14 sufficient enough and acceptable to Crime Victims
15 claimants, rather than such inflammatory languages
16 and sometimes such judgmental and opinionated
17 statements that are being used.

18 And I think sometimes with Crime Victims
19 claimants, they are sometimes, when they get the
20 letter, might not fully understand it entirely.

21 So they will call our office. So that if we
22 need to do that, we do that and reconfirm that they
23 have been denied, and these are the reasons why.

24 But they do get them more upset by the
25 content of the letter.

1 My next point has to do with vehicular
2 homicide and it has to do with the rule. The Crime
3 Victims Compensation eligibility rule of intentional
4 use of an automobile to inflict death is absurd and
5 ought to be evaluated or eradicated.

6 It is impossible to submit a vehicular
7 homicide claim under the above rule. I have been
8 with Crime Victims -- murder victims -- for about
9 five years. And I think since I have been here
10 under this rule, intentional use of an automobile to
11 inflict death in order to qualify for vehicle
12 homicide, I think we have only been able to submit a
13 claim once.

14 And there were a series of vehicle homicide
15 cases that happen almost on a daily basis
16 sometimes.

17 Consequently, the bereaved family members
18 victimized by this time of homicide are
19 unrepresented claimants.

20 IV. My next point has to do with funeral
21 expenses. FMV would like to once again emphasize
22 that the Crime Victims Compensation Board is behind
23 the times in their \$2,000 funeral expense cap.

24 Based on FMV's experience, the average
25 funeral cost ranges from \$3,000 to \$4,000 and up.

1 Therefore, there is a need to increase the amount of
2 money allocated for funeral expenses.

3 V. And, lastly, the life insurance
4 allowance is my next, my last points. Considering
5 the fact that most homicide survivors are
6 financially strained, permitting claimants in death
7 claims to benefit from an insurance allowance would
8 make them better able to finance specific homicide
9 related expenses that are not traditionally covered
10 by Crime Victims Compensation Board.

11 And what I mean by that, basically, is that
12 there were times when family members would want to
13 file for reimbursement for funeral expenses but
14 because they were able to actually put out a minimum
15 amount of life insurance, be it \$5,000, and
16 unfortunately the funeral expense falls either below
17 that or falls parallel to that amount, they are
18 totally denied in filing for Crime Victim
19 Compensation for funeral expenses.

20 And quite a lot of times the -- they would
21 not be qualified to file for loss of support for
22 minor dependents of victims because there is no
23 work history for the victims that died. And as a
24 result of that, if there is no significant work
25 history, Crime Victims does not run off a claim for

1 loss of support.

2 Therefore, they are given an allowance of a
3 certain amount of the life insurance amount that can
4 always divert or deviate that money to cover loss of
5 support. That it cannot put in under the Crime
6 Victims compensation.

7 In conclusion, FMV would like to see the
8 hiring of more competent claim verifiers who will aid in
9 the smooth and timely operation of the program.

10 That's it.

11 CHAIRMAN JAMES: Okay. Thank you.
12 Representative Manderino?

13 REPRESENTATIVE MANDERINO: Thank you, Mr.
14 Chairman. In light of our schedule and the need for
15 appropriations to have the room at noon, maybe I will just
16 make a comment instead of asking questions.

17 But I appreciate not delaying your testimony
18 and I think maybe from what you heard prior, that there
19 might be some work that the Legislature has to do. And
20 that, I mean, and that is part of what we are looking at.

21 But remarks with regard to funeral costs as
22 well as with regard to the limits, the putting out of the
23 emergency fund, might be a function not only of how things
24 are done inside the Crime Board, but also the limitations
25 that have been put on them with regard to the amount of

1 money they have in emergency fund.

2 And so that maybe there is a lot of, for
3 both of us to examine in that regard. And for pointing
4 that out, I want to thank you.

5 I guess my other concern is that without
6 getting into a debate about the language used, I can see
7 it going either way.

8 I could see more general letters that aren't
9 specific enough as to the reason for a denial then being
10 challenged by somebody who felt they didn't have enough
11 information.

12 And I think that is a balancing act that we
13 are, again, going to have to look at in terms of whether
14 you have given somebody enough information so that they
15 feel you really looked at and understood their claim.

16 But I think your point is, in terms of, if
17 the policies about what is acceptable at the first
18 instance are more clear, you might eliminate claims where
19 people think they might be entitled to compensation.

20 Where if they knew what the rules were going
21 into it, they maybe wouldn't have filed the claim.

22 Knowing that, just because, based on a
23 policy they would be denied.

24 And so I appreciate your pointing that out
25 as well.

1 **CHAIRMAN JAMES:** Thank you. We have been
2 granted an extension if we need it, 12:30 or 12:45.

3 **Representative Masland?**

4 **REPRESENTATIVE MASLAND:** Maybe I will ask
5 more questions. Seriously, there is at present one basic
6 form that is use for any type of claim; is that the case?

7 **MS. McMANUS:** There is a claim form with an
8 instructional sheet on the top and also a DUI
9 supplemental.

10 **REPRESENTATIVE MASLAND:** In any event, Ms.
11 Adeleye, I think that your point is that there should be a
12 separate one just for murder victims or maybe a separate
13 one --

14 **MS. ADELEYE:** Per category of claims. Which
15 means a death claim, the stolen benefit claim, there is an
16 injury claim. And I think there is fourth one, if I am
17 correct.

18 If we have one single form for each claim, I
19 think we will have enough room to put more specific
20 questions that relate to that type of claim or the type of
21 crime.

22 **REPRESENTATIVE MASLAND:** Okay. I don't know
23 how feasible that is, but I imagine over the course of the
24 years you have changed your form a number of times.

25 **MS. McMANUS:** We just revised our form again

1 and actually, I think it is very specific. And it says,
2 if this does not apply, go to section 2. If this applies,
3 you know, fill this section.

4 It is very explicit and we hope that, you
5 know. It is working.

6 REPRESENTATIVE MASLAND: Well, I guess there
7 is some disagreement there. And maybe you can, I will let
8 you two hash that out separately.

9 Another question I have is on the vehicle
10 homicide rule. Is it my understanding that unless
11 somebody points that car at another person and runs them
12 down intentionally that there is no compensation?

13 That if it is negligent or reckless or
14 grossly negligent there is no compensation?

15 MS. MCMANUS: That is correct. It must be
16 an intentionally-inflicted automobile crime or a DUI
17 crime.

18 REPRESENTATIVE MASLAND: It has to be. So
19 if it is DUI-related.

20 MS. MCMANUS: Right.

21 REPRESENTATIVE MASLAND: But if it is just
22 homicide-related not DUI-related?

23 MS. MCMANUS: Yes. And that is based on a
24 court case. And I think it might be Turner versus the
25 Commonwealth.

1 **REPRESENTATIVE MASLAND:** If you could find
2 that and let us know, that would be interesting to look at
3 also.

4 **MS. McMANUS:** Okay. Glad to.

5 **REPRESENTATIVE MASLAND:** That is all I have,
6 thank you.

7 **CHAIRMAN JAMES:** Okay. One question I
8 forgot to ask Chief McLaughlin, and I think Ms. McManus
9 had pointed out.

10 I don't know if it was you or not, but there
11 was a problem with getting homicide reports.

12 **MS. McMANUS:** Three to four months.

13 **CHAIRMAN JAMES:** Could that be addressed?

14 **INSPECTOR MCLAUGHLIN:** I had mentioned that
15 I would work on that, but I guess maybe a month ago we
16 established an Office for Family of Murder Victims right
17 in the homicide unit.

18 So maybe a combination of me looking into
19 that and them being right there, will address that.

20 **CHAIRMAN JAMES:** Okay. And then I am going
21 to go into terms -- I'm sorry, I didn't want you to
22 leave. But in questions, I just didn't want to forget
23 that.

24 Now, I want to ask you, in regards to those
25 letters that you used as an example, do you believe that

1 those people should have been awarded compensation?

2 Based on the rules, as it is now?

3 MS. ADELEYE: Based on the reaction and the
4 need of my clients, I would say, a lot of them especially
5 in drug cases, which a reasonable amount of homicides are,
6 feel that they are being, as I said, persecuted, because
7 of the action of their loved ones.

8 And their comment usually is, it is not the
9 drug that killed them. It is the fact that someone else
10 took their life, and it is a murder and a homicide.

11 And they don't understand why drugs has to
12 be a big issue. And they have to be denied based on a
13 homicide claim or a murder case. That is what they say.

14 They don't think that it is just a flat
15 issue denied.

16 CHAIRMAN JAMES: That is their perspective.
17 What is your perspective?

18 MS. ADELEYE: I agree with them to an
19 extent.

20 I think sometimes -- I agree with the
21 clients because we are talking about, we are penalizing
22 them on the issue of drugs.

23 But the victim is, unfortunately, being
24 taken away or has been killed. And they are left with the
25 burden of the financial expense. And they are the ones

1 that are being punished.

2 And I agree with them. And a lot of our
3 clients are financially needy. A lot of them, quite a
4 number of them don't even have the money to conduct a
5 burial.

6 They are calling us to assist them in
7 getting their loved ones buried. And we have given them
8 all of these different directions like, okay, why don't
9 you turn to the specific group within your community?

10 Why don't you get a collection within the
11 family?

12 And when they are able to scrap enough money
13 to actually put a down payment to get a service, actually,
14 to get a service for burial, then they are left with the
15 rest of the burden of having to find a way of completing
16 or actually paying the rest of the money.

17 And sometimes some of them have to get
18 loans. Sometimes some of them have to use their welfare
19 checks. Sometimes some of them, is trying difficult means
20 of getting money.

21 CHAIRMAN JAMES: We don't, there is not
22 enough money now to pay victims of crime. So there are
23 some rules and regulations put in there.

24 For example, people that are engaged in
25 crime, say, for example, a bank robber goes in there and

1 robs a bank and he gets killed.

2 We cannot, you know, we don't want to say
3 that we are going to pay him as a victim under the Crime
4 Victims Act.

5 So, therefore, of course, the families, the
6 loved ones, are not involved in that.

7 So there has to be some measure.

8 So what I am concerned about is the
9 organization, making sure that they let the people know or
10 the families of these, or people that want to make claims
11 know, that there is a possibility they may not be able to
12 get their award.

13 So that way we don't raise the frustration
14 level of certain people.

15 Now, I do know and that your organization
16 was very helpful to my family in my tragedies, that they,
17 that they, that they did change the fact that because a
18 victim was killed and had drugs in their system, that they
19 did not exclude them.

20 Now they have changed it to where the person
21 would not be denied the fact if, in fact, the act that
22 caused the death was not part of that. And that has been
23 changed.

24 MS. ADELEYE: Right.

25 CHAIRMAN JAMES: So I think we have to have

1 some kind of limit and I just hope that --

2 MS. ADELEYE: I do agree with that. And I
3 think Families of Murder Victims as an organization, also
4 tries to emphasize that and reaffirms that.

5 And this is where it becomes very pertinent
6 that information on the forms should be well detailed.

7 Because we sometimes have to get into
8 looking ahead with family members or clients that tells
9 us, okay, we have the form. It does not say the specific
10 rules. How come you are telling us?

11 CHAIRMAN JAMES: I understand that. So you
12 are dealing with the reaction from, hey, wait a minute,
13 that is not on the form.

14 Okay. The other thing I want to point out,
15 Ms. McManus, what do you think in terms of the letters?

16 I agree that maybe we can say or you can say
17 that you have been denied because you did not fit into the
18 policy or within the guidelines or whatever. And then if
19 someone was to call, you could talk to them directly in
20 terms of that.

21 Is that possible?

22 MS. McMANUS: Well, I think there are two
23 issues here.

24 Number one, the sensitivity to the victim
25 and to the family of that victim.

1 And the other is that the counsel that is
2 representing the Board will have to go into court to
3 defend the position at some point in time, if it would
4 ever become a court case.

5 And so, therefore, I think that you have to
6 be sure that you put into the decision those things that
7 are necessary in order for them to be able to adequately
8 defend the position if this ever becomes an exhibit during
9 the court or even for our hearings and so forth.

10 I think that there is a reason for that.

11 As to being more sensitive and possibly
12 rephrasing some areas, I think certainly, you know, we
13 could look at that.

14 CHAIRMAN JAMES: Okay. Thank you. One
15 other thing I have in regards to -- okay. She raised the
16 question about the \$2,000 limit for funerals.

17 MS. McMANUS: Correct.

18 CHAIRMAN JAMES: What is your response to
19 that?

20 MS. McMANUS: My response is that that is
21 not all-inclusive. There is \$2,000 for suit; \$500 for a
22 marker, \$500 for the opening and closing of the burial
23 site, \$100 for closing; \$300 for funeral lunches, \$300 for
24 flowers.

25 CHAIRMAN JAMES: Total?

1 MS. McMANUS: Somewhere up around \$3,700.

2 CHAIRMAN JAMES: Were you aware of that?

3 MS. ADELEYE: I am aware of that. But what
4 I am addressing is the -- actually, the bill to the
5 funeral home.

6 It is, as I said, from my experience, the
7 average is usually between \$3,000 and \$4,000 and up.

8 CHAIRMAN JAMES: But that would cover some
9 of that.

10 MS. McMANUS: Yes.

11 CHAIRMAN JAMES: Okay. Go ahead, I'm
12 sorry.

13 MS. McMANUS: That's okay. We have checked
14 also with Funeral Directors Association and the average
15 funeral in Pennsylvania and, Bill, maybe you can --

16 VOICE: \$3,650.

17 CHAIRMAN JAMES: That is the average in
18 Pennsylvania?

19 VOICE: Across the state.

20 MS. McMANUS: Across the state. So
21 therefore, many of these costs are included in the funeral
22 bill at some point.

23 MS. MARSCHIK: Marianne, is the \$2,000 that
24 is in the statute, the statutory cap? I mean, it is not
25 something that was based on an internal decision?

1 MS. McMANUS: We have it in our rules and
2 regulations.

3 MS. MARSCHIK: I think, Mr. Chairman, it is
4 statutory.

5 MS. McMANUS: I don't have the statute with
6 me.

7 CHAIRMAN JAMES: Okay. I thank you. I
8 appreciate that. But that is something that, I guess in a
9 further discussion and further communications, you know,
10 we can look in terms of seeing, you know, what, if, what
11 and if it can be improved, or anything that we may need to
12 do in terms of legislatively that would help.

13 And one of the concerns I have, and I don't
14 know if you have a working relationship.

15 I have had to establish that in my district
16 with certain funeral homes if, in fact, there is a funeral
17 and there is a person that is possibly, I mean, based on
18 just initial facts that they would probably receive an
19 award, is there some relationship where the funeral homes
20 may go ahead with it, knowing that something is coming?

21 MS. McMANUS: Oh, I don't think we have had
22 a lot of claims where they have held it up or anything
23 because we, you know, there was --

24 CHAIRMAN JAMES: I guess maybe you would be
25 able to respond to that.

1 MS. ADELEYE: Can you repeat your question?

2 CHAIRMAN JAMES: I am concerned that some
3 families don't have money.

4 MS. ADELEYE: Right.

5 CHAIRMAN JAMES: But maybe they will, based
6 on the incident, they will receive something from the
7 Compensation Board. But in a period of time.

8 Would the funeral home, knowing that, go
9 ahead and have the funeral? Because I have heard of some
10 cases where they have to change funeral homes.

11 MS. ADELEYE: Because the funeral home is a
12 business and they need to make a business and they don't
13 like assuming risk, most of them don't.

14 Even, even -- and we try to get family
15 members of survivors to use that as a strategy to get
16 funeral homes to proceed pending, most of them don't.

17 The only times that we get that done, which
18 is very, very rare, is if the victim's family has some
19 kind of a relationship where it is a neighborhood-based
20 funeral home and the victim's family has some kind of a
21 relationship with the funeral director.

22 But most of the time it doesn't work. We
23 have to run here and there and try to help these
24 unfortunate family members.

25 CHAIRMAN JAMES: What I would like to do is

1 if you, basically, if the organization and probably the
2 victim ones, too, if we can start identifying maybe some
3 funeral homes that want to do that so we have a list that
4 can be communicated throughout the city of some funeral
5 homes willing to do that, I think we can provide a list
6 that would be good.

7 MS. ADELEYE: And as a matter of fact, our
8 office tries to seek money from funeral homes to meet the
9 -- maybe essentially establish a slush fund in our
10 office.

11 Because at least on the average we get
12 within like, two months, we get like three or four people
13 that don't -- from different family members, but as a
14 solicitation from the funeral, out of 300 funeral homes,
15 we only got two funeral homes and \$50, so.

16 CHAIRMAN JAMES: Okay. Thank you. Next we
17 will call Sandra Lutz.

18 MS. LUTZ: Good morning. I am Sandra Lutz
19 from the Adams County Victims Program, which is in
20 Gettysburg, Pennsylvania.

21 I'm the coordinator of that program. I have
22 to say that I am sort of let down, let down at the bottom
23 of the list here. And I am finding myself getting very
24 emotional about the testimony. And I think that is
25 something that I should bring out because I don't think,

1 as Victims Service Representatives and working with
2 victims directly as we do, that it's our job to get
3 emotional and do what we need to do for our victims.

4 But at the same time I think that we also
5 need to take a step back and look at the total picture and
6 focus on some of the things that may be problems that
7 aren't directly related to victims service.

8 I haven't heard anybody mention other than,
9 well, in all fairness, the Crime Victims Board has brought
10 up collections and restitution and that sort of thing, as
11 an issue.

12 I think we all know that the whole funding
13 for the program is based on those collections and what we
14 take in as a state.

15 I think that that is something that should
16 be looked at very thoroughly. And I think you will find
17 that across the state there isn't one county that is
18 probably doing this in the same standardized manner as far
19 as the collection practices.

20 In my county in particular, every fine cost
21 and everything is paid first. The victim gets money
22 last. That includes the fines that pay for victims
23 services and Crime Victim Compensation.

24 I think it is time to take a serious look at
25 where we fall on those lists.

1 I happen to know out of a list of about 26,
2 my services collection area is around 24 on the list.

3 I have done some things in my county to try
4 to help that and I don't know that my practices are
5 feasible in other counties because they are all so
6 different. They are serving larger numbers of people.

7 I, fortunately, have the luxury of being in
8 a small county and don't -- I have more time to give to
9 other projects like that.

10 But I have recently become involved in our
11 collections process in our county. I set up the payment
12 agreements with every defendant that comes through.

13 And my philosophy behind that is, I did
14 research on this project before I decided to step into it,
15 and found that defendants were being sentenced and were
16 not even being set up on a payment plan for anywhere from
17 three to five months after their sentencing.

18 Now when you are looking at a person who is
19 sentenced to a year's probation and they are left with
20 five months to pay off \$3,000, you almost know they are
21 going to be released before they have met that obligation
22 because they are not going to be able to make the
23 payments.

24 I saw this as a real serious issue and this
25 is just my county.

1 Since then, I have changed that. And
2 whether a person is receiving Public Assistance, whether
3 they have a fixed income of any other kind, they are still
4 required to pay something. Whether it is \$5 a month, \$10
5 a month, whatever.

6 So far, I wanted to take the six-month mark
7 as a time to review this, the people that I have set up.
8 I am only aware of one person that is delinquent on their
9 plan since January.

10 Which --

11 CHAIRMAN JAMES: Excuse me, out of how
12 many?

13 MS. LUTZ: Geez, I'm sorry, I really have
14 not had time to prepare that.

15 REPRESENTATIVE MANDERINO: Over 100?

16 MS. LUTZ: Yes, definitely. I think, I
17 think it is just an important thing to look at when we are
18 talking about making changes.

19 And there are so many things that are going
20 to require additional funds.

21 One of the things that I am looking at is
22 not only that the collections pays for Victims Comp, but
23 it also pays for Victims Service programs.

24 We have listened to testimony from people
25 who have said that, you know, we have a problem with

1 providers providing services because they are not getting
2 paid.

3 But is it reasonable to look at the fact
4 that if we were taking in more money from our programs
5 overall from the criminals who are supposed to be fronting
6 this money, then who is to say that we could not have our
7 own staff of sexual assault counselors or therapists or
8 someone to take on some of this responsibility for
9 counseling which would eliminate Victims Comp or the Crime
10 Victims Board having to be the sole responsible party for
11 these bills.

12 It is really difficult, as I said, because,
13 you know, you want to do the best for your victim.

14 I tend to sit back and try to look at this
15 whole picture because, obviously, we can't afford to lose
16 the Crime Victims Board.

17 I mean, it is an excellent service. We have
18 problems with it, and we all need to work together to get
19 through those. But I feel we should be looking at the
20 total picture.

21 I don't think that the problems are specific
22 to what we are doing in Victims Services or what Crime
23 Victims Board is not doing with their program.

24 I think there is a lot more involved that
25 needs to be looked at. I have to agree with everyone in

1 regard to the time limits and it is not just a problem --
2 it is a problem for all of us, because we are faced with
3 having to deal with creditors, with the harrassing
4 letters, with people refusing service because they know
5 they are not going to get their money.

6 Now, my experiences have probably not been
7 as bad as some other people's because I am from a small
8 county. But it is definitely a problem. I mean, I face
9 this everyday.

10 The other thing that I have a problem with
11 is, I am real limited in providers. And it is hard for me
12 to draw a pool of providers that are willing to do, like
13 in Pamela's area, I think that is wonderful. I wish I
14 could do that.

15 But I only have a handful to work with. And
16 if three out of five are being stubborn, you can't expect
17 one counselor or one therapist to be dealing with every
18 case in that county.

19 And there are, I think, through public
20 awareness and education, we are seeing a lot more of child
21 sexual assault and child abuse cases coming to light.

22 And I have seen that in my county also. I
23 would say that at this point that we are moving up and
24 becoming about 50 percent of our cases who, where people
25 receive extensive services, are child victims.

1 I would also agree with the problems
2 surrounding the death benefit issues. And the funeral
3 expenses.

4 I haven't found -- I mean, I don't have that
5 many but of the ones I have had, it is really hard to find
6 a funeral director that will either, you know, wait for
7 their money or accept, you know, it is never enough to
8 cover the expense of the funeral expenses.

9 And I would have to agree with that that
10 maybe that should be looked at as something that could be
11 increased.

12 And I also agree in regards to the forms.
13 To me, I never felt the forms were user-friendly, is the
14 only thing I can think of to term that.

15 Although the last revision was very helpful
16 for someone like me, you know, to do the form. I don't
17 think it helped the victims at all, if they are doing it
18 themselves.

19 I have, in fact, I ask victims to come in,
20 and if they want to fill it out themselves, to at least
21 let me review it with them to make sure things are there
22 to avoid delays.

23 But, you know, that doesn't always happen.
24 They get forms from different places.

25 But I think we should look at the forms,

1 too, and try to come up with a way where there is more
2 information included.

3 I did like the idea of having a separate
4 claim form because of the particular things that are asked
5 for on particular claims.

6 CHAIRMAN JAMES: Representative Manderino?

7 REPRESENTATIVE MANDERINO: I'm sorry, were
8 you finished?

9 MS. LUTZ: Go ahead.

10 CHAIRMAN JAMES: Were you finished?

11 REPRESENTATIVE MANDERINO: Are you sure?

12 MS. LUTZ: Yes.

13 (Pause.)

14 MS. LUTZ: May I add one thing? Another
15 problem that I ran into with providers and this is,
16 includes funeral homes, and I ran into this with another
17 county agency, is I found out just by chance that a victim
18 was being charged a higher fee because Crime Victims was
19 picking up the tab.

20 And, you know, it would be nice if I had the
21 time to investigate all of those things, but like I said,
22 it was one of those things I was getting ready to send the
23 claim and I was reviewing the thing and something clicked
24 in my head.

25 And I thought, this agency bases their

1 payments on financial background of the person applying
2 for services.

3 They had never done a financial workup on
4 these people. And I knew the family, the father was
5 unemployed. I knew there were circumstances that
6 indicated that they should not have been paying what they
7 were paying.

8 And I made that adjustment right before I
9 sent the claim.

10 But that is not the first time. I have had
11 that happen with a funeral director as well.

12 I have had people hold -- they have held
13 bills and not sent them to Medical Assistance, knowing
14 that there is a deadline for Medical Assistance so that
15 Crime Victims will pick it up and pay it in full.

16 And these are some serious problems that
17 need to be looked at, in addition to everything else.

18 And without, you know, addressing those, I
19 don't know how much change that we can do that is going to
20 be affected without also looking at those things.

21 Now I'm done.

22 CHAIRMAN JAMES: Thank you. And you
23 certainly have enlightened us from another perspective and
24 I appreciate that.

25 Representative Manderino?

1 **REPRESENTATIVE MANDERINO:** Thank you, Mr.
2 Chairman.

3 Ms. Lutz, one of the things that I just want
4 to make you aware of, because I very much appreciate a lot
5 of points that you made, is that while this Committee
6 hearing today is dealing just with Crime Victims services
7 and how that is working, we have had prior hearings on the
8 whole collection matter, so that that is an issue that is
9 being looked at.

10 Because our court systems are costing us so
11 much in Pennsylvania. And you are pointing out that while
12 you may be number 24 on the list, all of those things
13 above you cost the Commonwealth, too.

14 And that is one of the things that the whole
15 Committee has been having hearings on with our Court
16 Administrators, et cetera, to try to improve the overall
17 collections rate.

18 But the fact that you have been able to do
19 something in Adams County maybe that, may make you a
20 resource to look at what you have done, and are there
21 other ways that counties can do what you are doing, or
22 that court administrators can work along with people like
23 you to make that process work better.

24 And so I wanted to both assure you that that
25 hasn't been ignored. It is just for a different day than

1 today.

2 And at the same time, thank you for pointing
3 that out, because you are doing something that maybe we
4 need to make others aware of.

5 MS. LUTZ: I can be honest with you, it is a
6 very, very simple thing that I do.

7 Like I said, I have a small program. I have
8 the luxury of having the time to do that.

9 Also, being in a small program, I can't
10 expand in a lot of areas where other people do, because it
11 would require space in the courthouse, it would require
12 additional staff. And I don't have a very large budget,
13 either.

14 But I felt that this was an area that I
15 could move in and not take up any more space than what I
16 am taking now.

17 It really isn't a real time-consuming
18 project or anything. But -- and I don't know what,
19 whether other people, you know, are able to do what I am
20 doing.

21 But it basically was an agreement between
22 myself and the Chief of Adult Probation.

23 REPRESENTATIVE MANDERINO: My second
24 question goes to an issue you raised.

25 And I think it is abominable that we

1 actually have, whether it is funeral directors who are
2 charging more for providers that are holding on, and I
3 noticed that Ms. McManus was shaking her head, were
4 holding onto things to pass the MA deadline.

5 What would happen, I mean, is there some way
6 that, although, without hurting the victim, that you can
7 kind of penalize the provider who does that?

8 MS. McMANUS: Well, we --

9 REPRESENTATIVE MANDERINO: Because again,
10 like I said, Crime Victims Compensation is supposed to be
11 the compensation of last resort.

12 And the fact that there were other resources
13 available that some, some knowledgeable person was able to
14 take advantage of, just really means that there is some
15 other victim out there that is left with no avenue, and no
16 method of reimbursement.

17 And I am wondering if you have any thoughts
18 on ways that we can attack problems like that.

19 MS. McMANUS: Well, you know, we really have
20 looked at that.

21 And we have, you know, we have gone back and
22 forth on this issue because number one if we say, well, we
23 are not going to pay, then they are just going to dun the
24 victim forever and a day.

25 If we do say, we are paying, then they know

1 they can get away with it again, and they can do it.

2 But if we find that this is consistent with
3 a particular person, we are going to have to say, no, and
4 you did not submit it in time we will not pay that bill.

5 REPRESENTATIVE MANDERINO: Or is it possible
6 that we can consider something like, do we know that
7 somebody was eligible for MA and the provider didn't
8 reimburse and if so in those cases, can we only reimburse
9 to the MA limit and if they chose -- well, if they chose
10 to accept it, then that is almost like Blue Cross does
11 that is your payment in full.

12 What implications would something like that
13 have?

14 MS. McMANUS: I don't know. It is very
15 complex because, you know, we have also gone back and
16 forth on saying, putting something in that if you accept
17 this, you are accepting it as payment in full.

18 I don't know how receptive, you know, they
19 would be, and whether they would go after the victim for
20 the rest or not.

21 But I have that letter that, you know, I
22 brought it along. And it just shows that she went after
23 the counseling people and they charged a rate of \$60 per
24 session, which is really one of the lower. Because they
25 said they were applying for a crime victim.

1 I have since requested a financial statement
2 to be done and for the bill to be adjusted accordingly.
3 The payments were reduced to \$27.50.

4 Well, you know. If you figure how many
5 counseling bills and how many people we get, that, you
6 know, we pay for counseling fees.

7 MS. LUTZ: And I think it is real
8 unfortunate that that was a county counseling agency. I
9 wanted to, can I address something that Marianne said in
10 regard to.

11 I think it would be really detrimental to do
12 what you are saying as far as the, you know, the adjusted
13 payment or whatever, we will pay this portion if you
14 accept Medical Assistance, that sort of thing.

15 I think that anyone who is in the same
16 position as me, can tell you how hard we have worked to
17 get the cooperation that we have and find medical services
18 that will wait or accept the Victims Comp at all.

19 And it would worry me that we would be back
20 to square one on that.

21 The only other thing that has ever come to
22 mind with me in regard to Crime Victims board, in that
23 area, is if they had the capacity on their staff to have a
24 public awareness or training team, that could go out and
25 not just address victims services, groups, but address the

1 hospitals and the medical field.

2 The reason I say that is I have found
3 through another incident that the AMA is not even aware
4 that the Board exists. Which is the American Medical
5 Association.

6 The way I found that out is because I had a
7 person running around with the threat of losing an eye who
8 had no insurance and I could not find a doctor who would
9 do the surgery that he needed.

10 However, I found one and it prompted me to
11 call around and find out what, why haven't people heard of
12 this program.

13 And so I checked with the American Medical
14 Association offices in Harrisburg here and they told me
15 that they did not know that the Victims Comp Board
16 existed.

17 So there is an area where maybe we aren't
18 even, maybe we have some responsibility there to do some
19 community education in areas where we are not.

20 However, I thank the Victims Services Act
21 for doing that as much as they can. But this is a larger
22 scope and, there again, the time factor.

23 They are working direct service. You don't
24 have time to always go out to the community.

25 REPRESENTATIVE MANDERINO: Don't you find

1 that a bit incredible that the Pennsylvania Chapter
2 doesn't know?

3 MS. LUTZ: Yes, very incredible.

4 REPRESENTATIVE MANDERINO: I almost have to
5 wonder whether, well. No comment.

6 (Laughter.)

7 MS. LUTZ: That is why I am adamant about
8 the fact that there are other things here that need to be
9 looked at.

10 I mean, it would be nice if we could blame
11 it all on the Crime Victims or us. But I think that
12 everybody is doing everything that they can as much as
13 they can.

14 We definitely need to work together for
15 changes but some of these other things are real serious
16 and they are costing us money down the line and they are
17 costing the victim, you know.

18 CHAIRMAN JAMES: Okay, Representative
19 Masland?

20 REPRESENTATIVE MASLAND: Just one comment,
21 because I agree with everything that Kathy has said.

22 And the first thing you said, Sandra, when
23 you came up, is that you were getting emotional listening
24 to everybody else testifying.

25 Well, you get emotional up here, too. And

1 there are a number of things that have been raised today,
2 issues and concerns and I have felt it myself, and I have
3 felt it from both sides of me.

4 So, we are very much concerned also.

5 MS. LUTZ: That is a good sign then.

6 CHAIRMAN JAMES: Any questions?

7 MS. MARSCHIK: One question. And I don't
8 know if either of you can answer it directly, but maybe
9 your thoughts on it.

10 I think from what you have said, Sandra,
11 that collection is a function of enforcement.

12 And I am wondering if, when a defendant has
13 financial obligations to take care of, when he is on
14 probation or subsequent to his release from county
15 facility, he is on parole, is that person being released
16 from the court supervision prior to making full payment
17 for those costs?

18 MS. LUTZ: I would say, I can speak for my
19 county, but my guess would be that many, many people are
20 being released before their financial obligation is met.

21 MS. MARSCHIK: And could that, maybe this is
22 a question better put to probation and parole, but by not
23 making those payments, could that be looked at as a
24 violation?

25 MS. LUTZ: That is a violation. But when

1 you haven't been set up on a payment plan for five months
2 of your probation, can they really expect you to keep,
3 stay on for an extra year because you never entered them
4 into an agreement?

5 That is where I have a problem. Whose
6 responsibility should that be?

7 You know, that is one of the things that we
8 worked out because I said that I would not do this process
9 without assurance that people would not be released at the
10 end of the probation without meeting their financial
11 obligation. And that was one of the changes that we have
12 made.

13 However, like I just started in January with
14 the new year here doing this. I haven't hit anyone who
15 has gotten off probation yet, so I can't see if they are
16 going to stick to what they are saying or not.

17 I will have to wait at least a year because
18 that is usually the minimum probationary period.

19 MS. MARSCHIK: Do you anticipate cooperation
20 from the local, the County Probation Parole Department?

21 I mean, that would be--

22 MS. LUTZ: I do, yes. Mainly because this
23 directive to address the collections problem came down
24 from our president judge, originally.

25 I was afforded the opportunity to see it

1 pass the DA's desk and thought maybe I can do something
2 there.

3 That is how I got involved in that.

4 So I do feel that that was one of the things
5 that was addressed in that particular memo from the judge,
6 that he sees a problem with that as well.

7 And that also had to be addressed by the
8 probation office. I mean, I just offered to take some of
9 the heat off and do this end of it.

10 What they are doing on that end I couldn't
11 tell you. I hope they follow through with that.

12 MS. MARSCHIK: Thank you.

13 MS. LUTZ: But I have found for the most
14 part that people are payinging what they are supposed to
15 pay.

16 The larger percentage are people paying on
17 time. You know, and that is good, so far.

18 CHAIRMAN JAMES: Okay. Representative
19 Masland?

20 REPRESENTATIVE MASLAND: I just want to say
21 that I think it is crucial that you get these plans worked
22 out up front, where there is probation or your office.

23 In the District Attorney's office in
24 Cumberland, I was responsible for the ARD program, most
25 people know what that is about so I won't explain it. And

1 with the DUI and non-DUI.

2 And before they entered the program we would
3 set them up on payment plans and some with large amounts
4 of restitution had to start paying before they entered the
5 program.

6 And you really have to go over those things
7 carefully. I can remember one fellow who said he really
8 couldn't afford to pay anything. And so we wanted to see
9 exactly what his expenses were.

10 And it came to light that he had a \$30 TV
11 cable bill per month. And we advised him that he would be
12 paying \$30 a month if he wanted to enter the ARD program.
13 And he would have to get rid of the cable. And there is
14 no two ways about it.

15 And I think if you don't do that up front
16 you are going to lose them.

17 MS. LUTZ: I set up the payment plans as
18 much as possible right after sentencing.

19 I mean they are stuck there for three hours
20 going to probation and going here and going there. I am
21 just another stop along the way.

22 I opened up a little office across the
23 hall. They stop in and I do the same thing.

24 I have a form that where, if they are
25 telling me they can't pay anything. I say, well, let's

1 turn to page 2 and we will fill out the financial section,
2 and then they will change their tune, if they don't want
3 to go through that hassle.

4 But everybody is paying something, which is,
5 means that something is coming in rather than someone
6 being set up on something they can't afford and paying
7 nothing. You know, it is basic philosophy.

8 CHAIRMAN JAMES: Thank you very much. And
9 we are asking this to -- that is definitely one area we're
10 going to look at.

11 And maybe through the Committee's effort, we
12 can work on trying to make sure those paid arrangements
13 are made in advance.

14 So thank you very much. And now we are
15 going to call Catheryn Bacharach.

16 MS. BACHARACH: Thank you. My name is
17 Catheryn Bacharach and I am Director of the Northwest
18 Victim Services.

19 Mary Achilles and I have been watching the
20 clock very carefully, and we both agreed that since our
21 program serves Dwight Evans' and Gordon Linton's
22 districts, and they are on the Appropriations Committee, I
23 would be willing to make a personal visit to make sure
24 that I got my time.

25 And I have already spoken to Gordon. So if

1 Dwight comes in, I will deal with him.

2 CHAIRMAN JAMES: And he will listen to you.
3 I want to comment, I think you have one of the, from what
4 I have experienced, or seen, one of the best operations of
5 Victim services in Philly; is that right?

6 MS. BACHARACH: Thank you. It is longevity
7 more than anything else, I assure you.

8 One thing I wanted to say before I skip
9 through my testimony, and that is that I think everybody
10 in this room is very excited that the three of you are
11 sitting here and listening and asking the quality
12 questions that you are asking.

13 Because one of the problems that all of us
14 share is that in the past there hasn't been a very high
15 level of interest in this issue. Either from the
16 Legislative or from the Executive branch.

17 And I think that is one of the reasons why
18 we have experienced as many problems as we have.

19 And everyone, I think, is grateful for your
20 interest and I think I speak for all of us.

21 Just to put my comments in context,
22 Northwest Victims Services was founded in 1981.

23 I testified at the 1983 Sunset Hearings for
24 Crime Victims Compensation before this Committee and the
25 1991 Sunset Hearings before the Senate Judiciary

1 Committee.

2 Northwest Victims Services has filed, as of
3 yesterday, 1,107 claims in those years of all sorts;
4 funeral and loss support families, Social Security and
5 pension, loss wages, medical counseling and other claims.

6 And I think maybe some of our claims were
7 even groundbreaking. We may see what we can do in the
8 future.

9 The settlement of those claims has topped
10 probably \$1.5 million over those years. And I can't say
11 precisely, but my guess is that we probably have a 99.5 or
12 99.7 percent success rate.

13 Very few of the claims have been denied
14 because we do a lot of assessment before we actually file
15 the claim.

16 CHAIRMAN JAMES: Maybe we better look to you
17 in terms of an Advisor to the Appropriations' Committee.

18 (Laughter.)

19 MS. BACHARACH: Our staff has a very
20 positive relationship with the Compensation Board and
21 staff.

22 There are two CVC staff members in this room
23 who I think deserve combat pay. They have been working at
24 the Board since before our program started.

25 And I know that they work, as everybody else

1 does, very hard.

2 Many of the recommendations that we made
3 during the Sunset Hearings in 1991 have been implemented
4 and we applaud that.

5 The greater utilization of computers, the
6 shortening of the claim form, the utilization of an
7 acceptance form that means that even if we lose contact
8 with the victim and there are outstanding medical bills,
9 those bills will be paid to the provider if they are
10 outstanding.

11 Old or problem claims are no longer left and
12 buried or left to rot.

13 The drug policy is less rigid, counseling
14 notes are no longer required, and there is improved
15 communication with Victim Service providers.

16 As has been stated by other people who have
17 testified, prior to May, our major problem still is the
18 length of time that it takes to process the claim.

19 And clearly, I think most of these problems
20 are relating to staffing availability.

21 But other people who have testified before
22 me, have made it very clear that the length of time means
23 that in many cases we are unable to find people who will
24 provide services.

25 It took us about six weeks to find an

1 ocularist who would be willing to provide an artificial eye
2 to a victim because the ocularist that we had used
3 previously no longer wanted to deal with us because an
4 earlier claim had taken, in his view, too long.

5 Funeral directors, we have not been --
6 unless it is a 95-year-old widow who is killed in her home
7 at 3:00 in the morning, we can't find a funeral director
8 who will wait for payment.

9 And, in fact, dealt with a funeral director
10 once in South Philadelphia who threatened to disinter a
11 body because a claim had not been paid.

12 So those are some of the problems that we
13 experience.

14 Our program has done a couple of things to
15 try and decrease the pressure. We have created our own
16 emergency fund. Money that we have gotten from churches
17 and from the 50/50 that we have at our fund-raiser, et
18 cetera.

19 So that now with Social Security and pension
20 claims under \$50, we take that money out of our emergency
21 fund, write a check, send it directly to the victim.

22 It saves us staffing time and it saves the
23 Compensation Board staffing time, and if we can increase
24 that emergency fund then we can increase that to \$100.

25 To decrease the amount of time taken to

1 settle a claim, I recommended at the Sunset Hearings and
2 recommend again, that the Board cut back on the
3 verification process by streamlining and setting up a
4 two-tiered system and I have heard Marianne call that
5 administrative processing.

6 So that the requirements for verification
7 are not as rigid and time consuming, especially for claims
8 under \$1,000.

9 That we simplify the forms used in approving
10 the claims so that less typing is necessary.

11 And in recent months I think the last six
12 months, many of our claims have been held up because the
13 claim was in the typing pool.

14 There simply was not enough secretarial
15 staff available at the Compensation Board to type up the
16 decision of the Board.

17 Many of us have felt that the Board is
18 overly fearful of fraud, perhaps because the audits have
19 been so burdensome in the past.

20 Despite the fact that we filed over 1100
21 claims, I am aware of perhaps only one or two possibly
22 fraudulent claims.

23 And, in fact, we have had the experience of
24 many victims calling us and saying, please contact the
25 board. I just received more insurance payment than I

1 expected and I shouldn't get as much money from
2 Harrisburg.

3 And we have conveyed that. That is
4 especially true of the elderly.

5 I would also recommend that the Board send
6 verification requests out immediately upon receiving the
7 claims or at the maximum within one to two weeks and find
8 ways to reduce the paperwork.

9 The National Institute of Justice in that
10 same report, Representative James, that you refer to, said
11 in their interviews with program directors, that 25
12 Program Directors nationwide said that a lack of staff
13 impaired faster processing of claims.

14 Clearly the Program Directors alone cannot
15 increase staffing levels. Rather, they must convince
16 legislators of the need for additional staffing.

17 And I hope we have been successful in doing
18 that today.

19 I have been involved in conversations with
20 legislators and with the executive branch staff over the
21 last eight or 10 years about the staffing issue.

22 And their attitude in the past was very
23 clearly the Compensation Board is poorly run and
24 inefficient. When they demonstrate differently, we will
25 all think about increasing staffing.

1 I feel strongly that improvements at the
2 board and the needs of crime victims statewide are such
3 that it really is time to take action on the staffing
4 issue.

5 One additional concern that I have is the
6 way in which supplemental claims are handled.

7 Supplemental claims, as you know, are those
8 in which the original claim has been paid. Additional
9 bills are incurred and submitted for payment.

10 I am calling these orphan claims currently,
11 because our experience is that those supplemental claims
12 have often been set aside for months and months and months
13 and we found ourselves in the position of having to
14 harrass staff and board members to get those out and try
15 to process them.

16 I see that as being a problem.

17 During the 1991 Sunset Hearings, many of us
18 who were here focused on adjustments and improvements that
19 we felt might have to be accomplished through the
20 legislative process. And the following is just a short
21 list of some of those issues.

22 Currently, only close relatives and it is,
23 what, the second or third degree of sanguinity, which I
24 understand, but currently only close relatives can recover
25 funeral expenses.

1 I feel strongly and I think other advocates
2 feel strongly, that whoever pays that funeral bill,
3 whether it is a distant relative or a close friend or a
4 neighbor should be reimbursed so that that victim can be
5 put to rest in a timely fashion.

6 And in many cases there are no close
7 relatives, especially if it is an elderly person who has
8 outlived everyone in his or her family.

9 Social Security survivors benefits should be
10 exempted from consideration in homicide cases where
11 medical bills and funeral bills are outstanding.

12 And, in fact, some of us ask that the first
13 \$5,000 of life insurance be exempted. Our feeling is that
14 those benefits are for the living.

15 There are unanticipated expenses that occur
16 after a homicide that that money is needed for.

17 That we need to work something out
18 legislatively there.

19 I also feel strongly that the cap for Social
20 Security or pension benefits should be increased from the
21 amount of one monthly check to a dollar amount such as
22 \$1,000 or \$1500.

23 In the past the maximum was \$15,000
24 actually. And it was then changed.

25 The one monthly check penalizes the poor

1 elderly. Someone who is living on \$400 a month, Social
2 Security, who has accumulated, unfortunately, some money
3 in the house and has \$600 taken, we feel should be
4 reimbursed for the \$600, so that we feel a dollar cap is
5 much more equitable.

6 I mentioned to Representative James recently
7 that I have made a personal pledge that I am not going to
8 actively support any, quote, unquote, victims legislation,
9 whether it is a constitutional amendment or an expanded
10 Bill of Rights, unless and until we can deal with the
11 problems of Crime Victims Compensation.

12 Because this is, this has been pushed aside
13 in many of the other considerations. And these are ways
14 in which Crime Victims can get concrete support that will
15 see them through the days after a very traumatic
16 incident.

17 Thank you.

18 CHAIRMAN JAMES: Thank you. I am going to
19 call on Mary Achilles from the District Attorney's Office
20 to join us at the table, so the questions will be to all
21 of you to save time.

22 MS. ACHILLES: Make I make a statement?

23 CHAIRMAN JAMES: Always, coming from the
24 District Attorney, Lynn Abrams.

25 MS. ACHILLES: My name is Mary Achilles and

1 I am the Director of Victim Services for Philadelphia
2 District Attorney's Office.

3 I want to second everything that Catheryn
4 said today, and all my other colleagues across the state.

5 And I think you noticed that I was extremely
6 jittery. We spent an inordinant amount of time talking
7 about the therapy claims. And in the 1990, 1991/1992
8 report, only 3 percent of the awards were for counseling.

9 The majority of the awards are for physician
10 fees, loss wages and hospital costs, which are usually
11 claims that are filed by victims of serious aggravated
12 assaults and are often accompanied not only with medical
13 bills, but also loss of wages and they are the claims that
14 take up to and over a year to process.

15 It is just incredible to me that some of the
16 statements that we have all made here today, and I am not
17 criticizing what people are saying, but to wonder whether
18 or not we should give the creditors notice of these
19 dunning letters to the victim service people to take care
20 of, to me, is way beyond the point of the spirit of the
21 federal legislation that enacted Crime Victim Compensation
22 programs across this country.

23 It is to provide some type of immediate, if
24 not emergency, remedy to the financial impact of crime.

25 And I think we all need to be aware of and

1 focus on the fact that crime has physical, financial and
2 emotional impact.

3 And waiting a year for the financial impact
4 to be dealt with is causing more emotional impact. And
5 the end result is, yes, we have good statistics.

6 We can say we paid these claims and people
7 are doing what they need to do, but as a group, and I
8 really do focus to the Legislature, we are not doing
9 anything to improve that.

10 And we are losing sight of the fact that
11 people are throwing up their hands and saying, it is not
12 worth my time. I don't need another headache, when I have
13 two bullet wounds in my back.

14 I mean, these are issues that we are losing
15 the sensitivity.

16 And that is very frustrating to me.

17 It seems to me that we seem to forget that
18 if you get injured today and are taken to the emergency
19 ward of a hospital and you can't go to work tomorrow, and
20 you don't have any kind of sick leave, or you only have a
21 week and you have run out, we can't wait a year to get
22 loss of wages reimbursed.

23 Because your mortgage company or your
24 landlord is not going to wait a year to get paid. And we
25 are jeopardizing the lives of individuals and their

1 families and the welfare of our community by accepting the
2 fact that we can wait a year. And that is not bad in
3 terms of state payments.

4 That is disgraceful. And we are robbing
5 people of dignity. And they have already been extremely
6 devastated by crime.

7 And now because of a result of a crime, an
8 action that they did not bring upon themselves, they may
9 not be able to take care of their basic needs, and the
10 needs of their families?

11 So we can talk about a cap on therapy and
12 and that is something we should talk about. And we can
13 talk about all these other little things. And I think
14 Cathern brought up a good point.

15 If you want to look at what I consider and
16 most of the Philadelphia advocates and those in Pittsburgh
17 think of some needed changes in the compensation, look at
18 Senate Bill 1360 that died in the last session. Okay?

19 CHAIRMAN JAMES: Do you know who proposed
20 that bill?

21 MS. ACHILLES: I'm not sure.

22 CHAIRMAN JAMES: The number is good enough.
23 Last session?

24 MS. McMANUS: It was Greenley's bill.

25 MS. ACHILLES: And I think what you will

1 find in there, too, is the majority of things we won't
2 disagree on, maybe a few items, but the majority of things
3 we agree on.

4 And I think the length of the time that it
5 takes to process a claim in this state is disgraceful.

6 And that is what we need to focus on. And
7 then we can focus on the other things that need to be
8 focused on to ensure the integrity of the fund, and to
9 increase collections and all of the other things that are
10 serious and related.

11 But I can tell you that I'm not going to
12 come back to Harrisburg before any other Legislative
13 Committees and address this issue anymore. Because I am
14 very tired.

15 And I am happy today, but I am cautious
16 about investing, hoping in this Committee to do
17 something.

18 Although I am doing it, but I am saying to
19 you that I am conscious because I have done this before
20 and I am tired and I have a lot of other things to do.

21 And victim service agencies in this state do
22 not exist to file compensation claims or compensation
23 claims alone.

24 We have a lot of other services we have to
25 provide to crime victims. A lot of advocacy services, a

1 lot of -- other services unrelated to Crime Victims
2 Compensation.

3 But most of us have always gotten involved
4 in compensation because it is a very tangible thing. And
5 we can relieve people of that financial benefit.

6 I just want to briefly go through a few
7 things for whatever it is worth.

8 And people talk about personal injury crime
9 and burglary and the eye glasses.

10 You might want to look at House Bill 190 or
11 Act 195 that goes into effect on 6/14, is that in that
12 bill they have added burglary as a personal injury crime
13 in their efforts to mandate certain services to, by
14 prosecutors and police and the Department of Corrections.

15 So you might want to look at that.

16 And the collections issue, it was very
17 interesting to me to hear that Adams County was having
18 problems because historically Philadelphia has problems,
19 but I am proud to say, and I want to say this on the
20 record, that we -- our collections have skyrocketed and we
21 are collecting well over \$30,000 a month.

22 But what you have to remember is that in
23 Philadelphia, and I think also in Pittsburgh, or I am not
24 sure about that, are under a federal court order to reduce
25 our prison populations.

1 No way on the face of this earth is anybody
2 going to go to jail in Philadelphia or be held in contempt
3 for not paying their money to the Victims Crime
4 Compensation Board.

5 We can barely get people who are arrested
6 for serious crimes to stay in there.

7 So there are some issues in terms of doing
8 that. But I am glad to hear that people are looking at
9 the collection issue.

10 You talk about funeral expenses. You cannot
11 look at the state average for funeral expenses. Because
12 in 1990 there were over, the uniform crime report there
13 were over 700 homicides in Pennsylvania, over 500 occurred
14 in Philadelphia.

15 We need to look at the average for an urban
16 area and what it costs to bury someone with dignity, not
17 what it may cost in Adams County. No disrespect.

18 If over 75 percent of the homicides occurred
19 in Philadelphia and the next largest area is Pittsburgh,
20 we need to look at what the cost is there.

21 Maybe we should look at some national
22 statistics.

23 In terms of the cap on therapy, I think the
24 same issue needs to occur. If you are going to put a cap
25 on therapy in terms of how much per hour we need to look

1 at what you can get for therapy for \$40 in one county and
2 if you can get the same therapy in Philadelphia or
3 Pittsburgh or Delaware County and some of the larger
4 areas, Wilkes-Barre and areas like that. Supplemental
5 awards.

6 It was a very interesting label Catheryn
7 gave to them. In the 1989, 1990 supplemental award I
8 filed, I called the Board just two days ago and found that
9 it actually went before the Board on April 28th. It is
10 May 27th. I don't have a letter about that.

11 I think that is a big staffing issue,
12 because the letter may say we need additional
13 information. A month has gone by. The letter may say
14 that an award has been made, but then it has to go through
15 the whole process of getting a check.

16 I think staffing and I think the
17 verification is a major issue.

18 If there were more staff and I sent a claim
19 in for \$141 and I have the insurance benefits or \$100 and
20 I have the -- insurance benefits statement says we will
21 pay \$80, and we have the bill from the doctor that says,
22 he got the money from the medical insurance company, and
23 that the victim owes \$20, okay?

24 That there is not a whole lot of need for a
25 whole lot of verification if it is processed then.

1 But six months from now there is a need for
2 more verification. And the process is incredibly
3 cumbersome to me.

4 And I think there should be some type of
5 two-tiered system so do it quicker.

6 I think if we did it quicker, it would be
7 easier even under the current process.

8 And that is, I think, all I have to say.

9 CHAIRMAN JAMES: I mean, you have been on
10 this for a while. Okay.

11 Representative Manderino?

12 REPRESENTATIVE MANDERINO: Thank you, Mr.
13 Chairman.

14 Ms. Achilles, if you could for me, as a
15 freshman legislator, I appreciate your frustrations
16 because I am frustrated, too, about a lot of things about
17 how the system works, but I am also coming to recognize
18 very quickly some of the realities of why that happens.

19 What in Senate Bill 1360, why did it die?
20 And I guess part of me is saying, maybe there is a shared
21 responsibility in here between legislators paying
22 attention and people's responsibility to keep heightening
23 awareness.

24 And since I am new to the process, I want to
25 know where we are breaking down here.

1 MS. ACHILLES: I might need some help on
2 this. I believe that Senate Bill 1360 was to reauthorize
3 the Compensation Board under the Sunset Act, and then the
4 Sunset Act no longer or the sunset no longer exists.

5 So then it sort of was moot. It was very
6 complicated for me, but that had a lot to do with it.

7 That there was no longer a need to sunset
8 agencies in the Commonwealth because the Sunset Act itself
9 doesn't exist anymore.

10 REPRESENTATIVE MANDERINO: But that had
11 nothing to do with what seemed to be the frustration in
12 your testimony with regard to people not listening to what
13 you had to say?

14 I was trying to figure out.

15 MS. ACHILLES: We put a, a lot of work in
16 the whole sunset process.

17 That report put out by the Legislative
18 Budget and whatever committee, was just incredibly
19 outstanding.

20 Those people came to Philadelphia. They
21 went to Pittsburgh. We caucused around the state, various
22 service people. And I feel like we wrote that.

23 And we negotiated through, you know, the
24 Senate Judiciary staff, some really important issues. The
25 issue about exempting Social Security widow and widow

1 survivor benefits.

2 Exempting the first \$5,000 in life insurance
3 policy. Also, legislate that the Comp Board cannot review
4 counseling, to which their policy is, they don't do now.

5 But if Marianne leaves tomorrow, they can
6 legally do that with a new chairman. That, contrary to
7 other things, that the Legislature has passed.

8 CHAIRMAN JAMES: For the record, what is the
9 name of the report?

10 MS. ACHILLES: It is part of the sunset
11 process.

12 We spent a lot of time on that bill and we
13 were hoping that something positive and constructive and
14 something mutually agreed on will come out of that
15 legislation.

16 I think when the Sunset Act itself died,
17 there wasn't enough interest. People didn't ask questions
18 like you are asking today.

19 There wasn't enough interest in the Senate
20 that this was that important.

21 And I think what happened at the time it was
22 the same time the new Victims Bill of Rights Bill was
23 introduced and it was like, we are tired of it.

24 That is a personal opinion.

25 MS. McMANUS: If I may comment on that?

1 I think a lot of the proposals in 1360 are
2 some of the things that we are addressing here today, and
3 I think some of them would be mutually agreeable.

4 And I think that there are some that are
5 certainly open for discussion.

6 I think when you get down to putting in
7 legislation the types of interoffice procedures, that you
8 are going to have, and things like that, that is probably
9 not legislation, but administratively controlled.

10 And so, therefore, I think you know that
11 there is certainly room for discussion and there is room
12 to look at some of these issues and to come to some
13 agreement on them.

14 As far as the funeral expenses, there are
15 states -- we are the fourth highest of 41 states in what
16 we pay in funeral expenses. Most of them have \$2,000.

17 Many of them will not pay any funeral
18 expenses if there has been any kind of criminal incident,
19 felony or whatever.

20 I think that there is a lot of room for
21 agreement.

22 I think that as far as talking about the
23 burglary and the prosthesis or glasses or whatever, the
24 out-of-pocket loss of the definition in the statute
25 specifically says that as a result of a personal injury

1 crime and so, therefore, you know, we are bound by those
2 constraints.

3 I think that, you know, certainly now with
4 legislation and looking at additional legislation, those
5 are some things that could be easily be corrected.

6 CHAIRMAN JAMES: Okay. Thank you.

7 Representative Masland?

8 REPRESENTATIVE MASLAND: I really don't have
9 any other questions.

10 I'm glad that we had enough extra time for
11 the two of you to testify. I appreciate your comments and
12 I appreciate your motion.

13 And as a first-term Representative, we would
14 appreciate your input as to how we should go about
15 addressing this.

16 Harold has all the experience, but Katharine
17 and I, we have gone through a lot of frustrating things.

18 That is probably why we are here, because we
19 realized that we could be out there studying the budget
20 with everybody else, but no one has really told us a whole
21 lot about it anyhow, so I figured I might come here where
22 I might have an impact, and I might be able to get some
23 good information and hopefully use it in the future.

24 But I do appreciate your comments and
25 anything we can do to speed up the process, hopefully just

1 this hearing today that Harold has called, which I think
2 is a great idea, and the communication that there has been
3 between the Board and all the various providers, will be
4 helpful.

5 Thank you.

6 CHAIRMAN JAMES: Thank you. Staff?

7 (No response.)

8 CHAIRMAN JAMES: Okay.

9 I just want to say that, Mary, I hope that
10 -- I can feel the frustration, and I know in a couple of
11 meetings I have been involved in, we talked about the lack
12 of seemingly the kind of interest that you think is
13 necessary from legislators.

14 And I just want you to know that, and I hope
15 that this hearing demonstrates to you my commitment to
16 Victim Witnesses services.

17 I want to commend the Compensation Board for
18 being here and for everybody for staying and going through
19 this exchange.

20 And hopefully, as a result of this, that you
21 have taken note, the Compensation Board have taken some
22 notes and will work with some of the agencies in terms of
23 trying to improve services.

24 And if that happens, that would help us in
25 terms of the legislators, because what happens up here and

1 what I have learned quickly and this is only my third
2 term, is that everything is by negotiations.

3 And you don't ever get all of what you want,
4 but you get a little bit if we talk, and if we
5 communicate.

6 And that is what is happening with the
7 budget. That is probably why we will be able to do it
8 this week.

9 And so I want to thank the staff, and thank
10 the stenographer and thank our Representative Caltagirone,
11 who is the Chairman of the Judiciary Committee, for
12 allowing us to have these hearings.

13 And that you just keep communicating with
14 us, keep exchanging your ideas.

15 Anytime that you have to write the
16 Compensation Board or the Compensation Board has to write
17 any of the Victims Services, we think and hope that you
18 will cc those correspondences to the Judiciary Committee
19 so that we can be in tune with the exchange of
20 communications and how we may help to add to the resources
21 and how to increase the overall objective of improving
22 things for the Victims Witnesses Compensation.

23 One thing I haven't heard too much about
24 today, I heard a lot about the victims, but not too much
25 about the witnesses.

1 And, of course, I was really alarmed that we
2 had a witness who was killed in Philadelphia after being
3 released out of -- out of being released from contempt of
4 court for not speaking.

5 But in checking into that matter, I did find
6 that the District Attorney did offer that victim to be, in
7 a Victim Witness Protection Program. And I didn't know
8 that DA's Office had that.

9 And I'm glad to find out that they do have a
10 Victim Witness Protection Program.

11 And that is something for another matter.
12 Another hearing that we have to look at or improve.

13 But I want to thank everyone for attending.
14 And if anyone has last additional comments.

15 MS. ACHILLES: I would like to put on the
16 record, the last time I checked the national average
17 processing time for processing was 80 days. And that was
18 a year and a half ago.

19 MS. McMANUS: I would like to comment on
20 that. Because during the sunset audit, there was a lot of
21 attention paid to comparison with other states. And
22 really that is like comparing apples and oranges.

23 If you talk about Florida, they had
24 something like 40 people and added an additional 30 or 40
25 to help them.

1 If you talk about New York or New Jersey, or
2 Ohio, Michigan, we are talking about different staffing,
3 we are talking about different structure and you know
4 there are a lot of things that go into that.

5 So, I am very careful in making comparisons
6 with other states without knowing exactly how the other
7 states are structured and what is happening with them.

8 CHAIRMAN JAMES: You agree that your time is
9 a year?

10 MS. McMANUS: No, I would not agree with
11 that.

12 CHAIRMAN JAMES: What is your time?

13 MS. McMANUS: The average time, I believe,
14 is 36.3 weeks for a claim.

15 But that, that does not take into account
16 that there are complex claims and there are personal
17 injury claims that could very well take a year.

18 There is one claim that Mary and I have been
19 working on for three-and-a-half years and I am at the
20 point where I am saying, enough of staff's time. We have
21 to close this claim, because we cannot get the kind of
22 information we need.

23 On one hand, you want us to process the
24 claims faster, on the other hand you want us to be
25 sensitive to victims and to try and help them as much as

1 possible.

2 We are working with her, we are working
3 with, you know, a Representative's office. We are trying
4 to get as much information as we can to make a
5 determination.

6 We can't do it.

7 CHAIRMAN JAMES: Well, tell me, who would be
8 the person that you need the information from?

9 MS. McMANUS: The person we would need
10 information from, the ultimate burden, is on the victim to
11 provide us the information. And the courts have said
12 that.

13 We need the kind of information to make a
14 determination to give this woman loss of earnings. We
15 would like to do it.

16 We think she is entitled to it. But if you
17 don't give us anything to base it on we can't make a
18 determination.

19 CHAIRMAN JAMES: So that is where Northwest
20 Services come in.

21 MS. BACHARACH: Fortunately, it is not in my
22 area. It is a very unusual claim. I'm not really sure
23 that the information that is needed is there.

24 So, but, I mean, I'm not.

25 CHAIRMAN JAMES: Not that specific, but just

1 generally, but that is where the type of service agency
2 comes in, in order to help facilitate that?

3 MS. BACHARACH: Yes, to help them get
4 hospital records, we harrass doctors and other service
5 providers to get the information that is needed. If that
6 need is communicated to us.

7 And in checking on claims that perhaps are
8 taking a little bit longer than we feel they are.

9 If we discover that X piece of information
10 is needed, we will go after X piece of information.

11 CHAIRMAN JAMES: Okay. Would a copy of this
12 testimony help you?

13 MS. McMANUS: I think it would. And any
14 other information that you feel would be relevant that we
15 could have, would be very helpful.

16 CHAIRMAN JAMES: Okay. And so we will also
17 have a copy. If any people want excerpts out of it, they
18 just make that request to our Committee.

19 I'm sorry, Representative Manderino?

20 REPRESENTATIVE MANDERINO: I'm not quite
21 sure who to ask this of. If I would be asking it of Ms.
22 McManus or maybe a combination of information from you
23 with some lay work from our staff.

24 But you actually raised an interesting point
25 when you were saying you don't like to compare apples with

1 oranges.

2 And, you know, Florida might have 40-plus
3 people processing claims and you have seven.

4 But I'm wondering if we can put together
5 something that would say, you know, size of, size of
6 claims, numbers of claims or dollar amount of money the
7 Victim Compensation Board uses in combination with staff.

8 So that if we found, as was brought up by
9 somebody who testified previously, I don't remember who
10 made the point, that there seems to be either a lack of
11 interest or too low of a priority within the Legislature
12 or a feeling, maybe it was Catheryn who made the remarks,
13 feeling from the Executive or Legislative branch that the
14 Board doesn't have their act together enough for this to
15 be paid attention to.

16 I mean maybe we need to put together some
17 numbers that show what it is actually we are dealing with
18 in Pennsylvania to make our case a little stronger. And a
19 little bit more justifiable to go in there and fight
20 about.

21 MS. BACHARACH: And I believe that the raw
22 material for doing that is in the National Institute of
23 Justice publication that you cited earlier, in combination
24 with whatever information the Board can provide.

25 There is a lot of statistical information in

1 that.

2 CHAIRMAN JAMES: And I guess this question
3 is to Ms. McManus.

4 One thing has been consistent is that the
5 length of time in terms of the complaints.

6 What do you suggest in terms of working with
7 the service agencies that we can improve that?

8 Or if you need to --

9 MS. McMANUS: I think the number one issue
10 would be staffing. I think that certainly more clerk
11 typists and even more legal assistants to do the verifying
12 would be a help.

13 But particularly in the clerk/typist
14 section, we are, you know, we are deficient.

15 It used to be when I first came there,
16 Board members had a caseload of 100 that they were working
17 on to write the reports and recommendations and
18 decisions.

19 Because we are there all the time, because
20 we are consistent, we, when we get a claim it is usually
21 written and the decision is rendered that day unless, of
22 course, we are getting backed up.

23 But then they go to the typing pool and go
24 for legal review and there can be a hold up there.

25 And it is not because of the staff, it is

1 because there is just more than enough for everybody. I
2 mean, that would be the number one priority.

3 I think the other issue is when you talk
4 about doing something in a two-tiered system, and you talk
5 about fast tracking -- I want to tell you that works very
6 good. And it sounds wonderful.

7 And I have done fast tracking. And I can
8 tell you that I can spend 15 minutes on a phone call with
9 one provider and wait until they transfer me four or five
10 times to get the end result that I need for that one
11 bill.

12 So that when you ask seven people to take on
13 the fast tracking and do it by telephone, instead of
14 sending a letter out, I think they do have a point in some
15 instances.

16 Because I have done it.

17 CHAIRMAN JAMES: Okay. Thank you. Galina?

18 MS. MILOHOV: Could you give us a figure of
19 what it would take in space and money and number of
20 personnel for a yearly estimate to bring at least your
21 typing pool up to speed so that you don't have a backlog?

22 MS. McMANUS: Yes, we can do that.

23 And we really, for all intents and purposes,
24 according to the Bureau of Management Services, we don't
25 have a backlog as per se.

1 I mean, we are talking about claims, even
2 though they, they're older claims, say in a year's time,
3 they still have had work done on them.

4 And the timeframe may be out of the Board's
5 control. If you talk about four or five months to get a
6 homicide report, you talk about another four to six weeks,
7 this treasury figure, the time right there and why it
8 takes a year for a claim.

9 I mean, there are certain circumstances that
10 enter into it.

11 But I would be glad to provide you with
12 that. We have asked in the budget for the last several
13 years for additional personnel and we have given the
14 justification for it.

15 So we have it together and we would be glad
16 to provide it.

17 MS. MILOHOV: As I recall, last year when we
18 were considering sunsetting the Board, that was one of the
19 things that was brought out repeatedly as a way of
20 expanding the staff to facilitate the whole process.

21 The whole circuit that the paperwork had to
22 complete in order to be finalized.

23 MS. McMANUS: Right.

24 MS. MILOHOV: And I do recall that you have
25 that, and I think it would be very helpful and we could

1 facilitate some development on that even in this budget
2 year.

3 MS. McMANUS: We would be able to do that.

4 MS. MILOHOV: All right. Thank you.

5 CHAIRMAN JAMES: Okay. Again, I want to
6 thank you all for attending and participating. And this
7 meeting is now adjourned.

8 (Whereupon, at 1:00 p.m., the hearing was
9 adjourned.)

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1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the notes
3 taken by me during the hearing of the within cause, and
4 that this is a true and correct transcript of the same.

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