

# Civilian Victim Assistance in Virginia

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# Agenda

- How does Virginia help victims?
- Roles of Victim Assistance and Victim Compensation
- What is covered in Virginia?
- Who can apply?
- How does the claims process work?
- Special considerations for forensic exams
- Questions

# Office for Victims of Crime

- Disperses federal Victims of Crime Act funding
- Federal, state, and tribal victim assistance programs receive funding
- States receive two types of formula grants
  - State victim assistance grants
  - State compensation grants

<http://ojp.gov/ovc/grants/types.html>

# Role of Victim Assistance

- Court-based advocates vs. Community-based advocates

## Roles:

- Providing information on victimization, crime prevention, victims' legal rights and protections, and the criminal justice process;
- Providing emotional support to victims;
- Helping victims with safety planning, victim compensation applications, submitting comments to courts and parole boards, finding shelter and transportation, making arrangements for funerals,
- Intervening with creditors, landlords, and employers on behalf of victims;
- Providing referrals for other services for victims
- Notifying victims of inmates' release or escape

# Role of Victim Compensation

- Crime creates need – medical bills, lost wages, funerals, counseling, and other expenses
- Restitution is a lengthy process

Every state has a victim compensation program

# Virginia Specifics

- Virginia's Crime Victim and Witness Rights Act §19.2-11.01.
  - Protections
  - Financial assistance
  - Notifications
  - Victim input
  - Courtroom assistance

# Virginia Specifics (cont.)

- VA compensation program created in 1977 by the Virginia Compensating Victims of Crime Act § 19.2-368.1.
- Housed in the Worker's Compensation Commission
- Funded by fines and fees levied on convicted felons and federal grants under the Victims of Crime Act (VOCA)

\*\*\*\*\*NO TAX DOLLARS!!

# What's in a name?



**Criminal Injuries  
Compensation Fund**

Easing the Burden for Crime Victims



**VIRGINIA VICTIMS FUND**

*Helping Innocent Victims of Crime*

OFFICIALLY CRIMINAL INJURIES COMPENSATION FUND

# Protections for victims

- No collection activity while a claim is open per §19.2-368.5:2.
- Payment from CICF is payment in full  
§ 19.2-368.3:1
- Ensures victim's expenses are covered without continued contact with the offender

# What does VVF cover?

- Medical expenses
- Funeral expenses
- Lost Wages
- Prescriptions
- Crime Scene Clean-up
- Moving
- Temporary Housing
- Replacement of prosthetics
- Loss of support
  - Offender
  - Homicide
- Mileage (court and medical care)
- Counseling
  - Direct victims
  - Children who witness DV
  - Grief counseling
- Other “reasonable and necessary” expenses

# What can't we cover?

- Medical care not related to the crime
- Pain and suffering
- Attorney's fees
- Missed appointments
- Replacing stolen items
- Automobile accidents (except DUI, hit-and-run, vehicle as a weapon)

# Who can apply?

A person who has suffered a physical injury as the result of any crime

OR

an emotional injury as the result of a violent felony

and meets all the following criteria:

- Innocent (not engaged in criminal activity that leads to their injury)
- Cooperates with law enforcement and Commonwealth's Attorney
- Crime occurred in Virginia (or to Virginia resident somewhere without a victim's compensation program)
- Reported to law enforcement within 5 days (unless good cause)
- Files with CICF within 1 year of the incident (unless good cause)

# Applying

- Application must be notarized to be valid
- Claim forms can be obtained by:
  - Contacting us
  - Downloading from our website
  - Contacting your local Victim Witness Assistance Program

# Decisions: Step 1

- Review documents for eligibility from:
  - Law Enforcement
  - Commonwealth Attorney
- The police report is our primary source of information

# Decisions: Step 2

- Gather documents to substantiate payment
  - Medical records
  - Itemized, detailed bills
  - Receipts
- We send letters to medical providers asking for these items
- Some documents must be provided by the claimant

# Decisions: Step 3

- Examine collateral resources to determine claimant responsibility
- VVF is the payer of last resort
- *Claimants are required by law to exhaust applicable collateral resources.*

# Collateral Resources

- Which ones depend on the crime type...
  - Health insurance
  - Hospital financial assistance
  - Medicaid/Medicare
  - Social security
  - Life insurance
  - Homeowners/renters insurance
  - Auto insurance (hit-and-run, DUIs, vehicle as weapon)
  - Short term disability
  - Annual/sick leave
  - Civil litigation
  - Etc.

*Claimants are required by law to exhaust applicable collateral resources.*

# Rendering Payment

- Providers are paid directly
- Claimant's out-of-pocket reimbursed
- Cannot pre-pay for services
- Can pay in installments
- Maximum award= \$25,000
  - We negotiate to avoid maxing out the claim.

# Things to Know for Sexual Assault Victims

- The Violence Against Women Act (VAWA) says victims **shall not** pay for their forensic exam, and they can have a physical evidence recovery kit (PERK) collected without reporting to or cooperating with law enforcement
- How does VA handle that?

# Special Considerations for

## Forensic Medical Exams

Supreme Court of Virginia

The SAFE Payment Program

- Suspect PERKs\*
- Child/Elder physical abuse/assault\*
- Domestic assault\*
- Gun shot wounds\*
- Any other forensic exam for any other purpose\*
- Sexual Assault VICTIM Forensic medical Exams (SAFE)
  - Acute (exam done within 120 hours of crime; PERK completed)
  - non-acute (exam done more than 120 hours after crime)\*

\*Require authorization by law enforcement or prosecutor.  
NOTE: CPS, physicians, parents/guardians not allowed by law to authorize an exam that will be paid by the state.

# Stay in touch!

For further training:

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