

ILLINOIS ATTORNEY GENERAL KWAME RAOUL

CRIME VICTIMS SERVICES DIVISION



CRIME VICTIMS COMPENSATION

AN OVERVIEW



Purpose

TO REIMBURSE ELIGIBLE VICTIMS OF A VIOLENT CRIME WITH UP TO \$27,000 IN FINANCIAL ASSISTANCE FOR CERTAIN OUT-OF-POCKET EXPENSES INCURRED AS A RESULT OF THE CRIME.



Funding



FEDERAL FUNDING

- 40% from Federal Victims of Crime Act (VOCA)
 - Has partially funded all State programs since 1986 using fees and fines collected from federally convicted defendants.

STATE FUNDING

- 60% from Illinois General Revenue Funds
- Illinois compensation program began in 1973.



Joint Program Administration



ILLINOIS ATTORNEY GENERAL'S OFFICE

- Investigates claims by gathering all necessary documentation from law enforcement, vendors and the claimant. Recommends awards or denials of claims.



ILLINOIS COURT OF CLAIMS (COC)

- Renders decisions and notifies claimants.

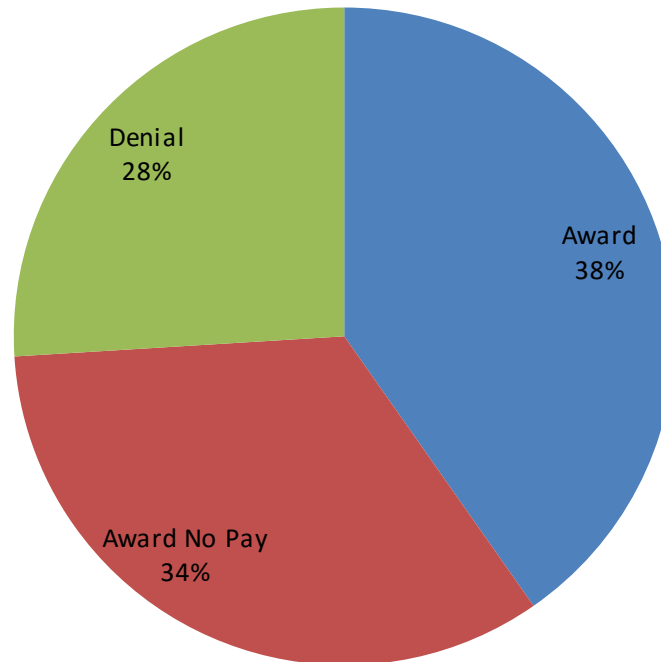


ILLINOIS COMPTROLLER

- Issues any monetary payment.



2017 RECOMMENDATIONS TO COC



RESPONSIBILITIES UNDER THE ACT

Law Enforcement Agencies: Mandated to give victims notice of the program

**“Any law enforcement agency that investigates an offense in this State shall inform the victim of the offense or his dependents concerning the availability of an award of compensation and advise such persons that any information concerning this Act and the filing of a claim may be obtained from the Office of the Attorney General.”
(740 ILCS 45/5.1(b))**



WRITTEN INFORMATION

STATEMENT OF RIGHTS

- Law enforcement agency must give victim written statement of rights within 48 hours of initial contact.
- Statement must contain information about compensation and how to contact the Office of the Attorney General.

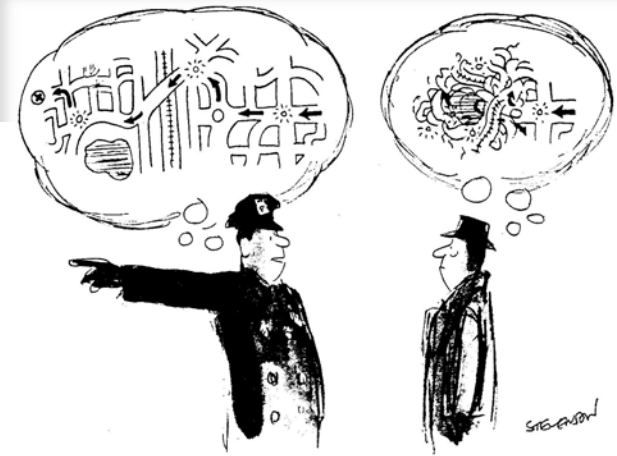
(725 ILCS 120/4(b))

P.A. 97-0815

Eff. 1/1/13



LAW ENFORCEMENT TRAINING



Drawing by Stevenson; © 1976 The New Yorker Magazine, Inc.

Curriculum for certified schools must include:

training in techniques designed to promote effective communication at the initial contact with crime victims & ways to comprehensively explain to victims & witnesses their rights under the Rights of Crime Victims and Witnesses Act & the Crime Victims Compensation Act

(50 ILCS 705/7)

P.A. 97-0815

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APPLICATION PROCESS

- Applications are issued by the Attorney General's Office
 - Call (800) 228-3368
 - <http://www.illinoisattorneygeneral.gov/>
 - Email crimevictimservices@atg.state.il.us
- Requires the signature of the victim or the parent/legal guardian of a minor.

The image shows a "CRIME VICTIMS COMPENSATION APPLICATION" form from the State of Illinois, Attorney General's Office. The form is titled "CRIME VICTIMS COMPENSATION APPLICATION" and "STATE OF ILLINOIS COURT OF CLAIMS" and "STATE OF ILLINOIS ATTORNEY GENERAL". It includes instructions to complete all sections to the best of the applicant's ability and provides a phone number (1-800-228-3368) and a website (www.illinoisattorneygeneral.gov) for more information. The form is divided into three main sections: A. VICTIM INFORMATION, B. CLAIMANT INFORMATION, and C. CONTACT INFORMATION. Section A includes fields for the victim's name, date of birth, sex, street address, city, state, zip code, and phone numbers. Section B includes fields for the claimant's name, date of birth, sex, street address, city, state, zip code, and phone numbers. Section C includes fields for the applicant's name, date of birth, sex, street address, city, state, zip code, and phone numbers. The form also includes checkboxes for marital status, ethnicity, and disability.



APPLICATION PROCESS

- **Information Requested**

- Claimant and victim contact information
- Description of the crime, including date and location
 - Include a police report number if known
- Information about expenses resulting from the crime

- **Send application to:**

Illinois Attorney General, Crime Victims Compensation
100 W. Randolph St.
13th Floor
Chicago, IL 60601

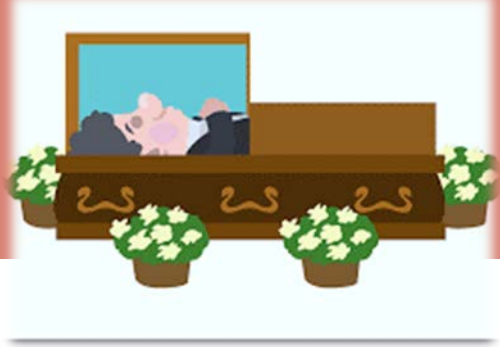


WHO MAY APPLY

INJURED PERSON

- Person killed or injured in Illinois
- An Illinois resident injured in a country without a compensation program
- Parent or Spouse of Injured Person
- Personal Witness to a Crime
- Witness who establishes necessary nexus
- Person attempting to aid a victim





WHO MAY APPLY

CHILD OR SIBLING UNDER THE AGE OF 18

- Child, stepchild, brother, sister, half brother and half sister of a person killed or injured.
- Counseling expenses only

DECEASED PERSON WHOSE BODY IS DISMEMBERED OR DESECRATED

- Parent, Spouse, Child of a person whose body is desecrated
- Counseling expenses only



WHO MAY APPLY

LEGAL GUARDIAN

- A person who is the legal guardian of a grandchild, other person, or foster child; who is a victim



COMPENSABLE CRIMES

- Murder (1st and 2nd Degree)
- Reckless Homicide/ Involuntary Manslaughter
- Kidnapping (and Aggravated)
- Criminal Sexual Assault (and Aggravated)
- Criminal Sexual Abuse (and Aggravated)
- Sexual Relations with in Families
- Human Trafficking
- Exploitation of a Child
- Child Pornography
- Stalking (and Aggravated)



COMPENSABLE CRIMES

- Reckless Conduct
- Arson (and Aggravated)
- Assault (and Aggravated)
- Battery (and Heinous/ Aggravated)
- Domestic Battery (and Aggravated)
- Abuse & Neglect (when criminally charged)
- Hate Crime
- Violation of Protective Order
- Driving Under the Influence
- Pedestrian victims of Hit and Runs



➤ Financial Crimes

➤ Non-Pedestrian Hit and Run and other Traffic Accidents

➤ Property Crimes (Theft, Burglary, Criminal Damage to Property)



➤ Loss of Currency

➤ Telephone Harassment and Deceptive practices

➤ Non-violent crimes

CRIMES NOT COVERED BY THE PROGRAM

ELIGIBILITY REQUIREMENTS

FILE APPLICATION WITHIN TWO (2) YEARS OF THE CRIME OR WITHIN ONE (1) YEAR OF THE CRIMINAL CHARGE, WHICHEVER IS LATER

- If the victim is a minor, he/she has until 2 years after reaching 18 to file an application.
- If the victim has a legal disability, including posttraumatic stress disorder, he/she has 2 years after the disability is removed to file an application.



NOTIFY LAW ENFORCEMENT



- 72 Hours
- 7 Days: Victims of sexual violence report the crime to authorities
- If applicable to the situation:
 - Obtain an Order of Protection
 - Obtain a Civil No Contact Order
 - Present to the hospital for sexual assault evidence collection



COOPERATE WITH LAW ENFORCEMENT

- Victim must cooperate with law enforcement and prosecutors.
 - Offender does not need to be apprehended, charged or found guilty in order for a victim to be eligible.
- Victim can cooperate with law enforcement by:
 - Obtaining an Order of Protection
 - Obtaining a Civil No Contact Order
 - Presenting to the hospital for sexual assault evidence collection



EXCEPTION:



- If the victim is **under 18 years of age** at the time of the commission of the offense, the following shall constitute cooperation:
- (1) **the applicant** or the **victim files a police report** with a law enforcement agency;
- (2) a **mandated reporter reports the crime** to law enforcement; or
- (3) a **person with firsthand knowledge of the crime reports the crime** to law enforcement.



ELIGIBILITY REQUIREMENTS CONTINUED

GENERAL CONTINUANCE....

- Victim/claimant cannot be on probation, parole, mandatory supervised release or incarcerated for a felony.
 - Written verification of completion is required



VICTIM MUST NOT HAVE ENGAGED IN CONTRIBUTORY MISCONDUCT

- Applicant/victim must not be the offender or an accomplice of the offender
- Victim must not have substantially provoked the incident or engaged in contributory conduct

- ✓ Illegal narcotics activity
- ✓ Illegal gang activity
- ✓ Illegal gambling

- ✓ Mutual combat or provocation
- ✓ Driving under the influence
- ✓ Solicitation



REIMBURSEMENT FOR PECUNIARY LOSS

- Must be obligated to pay the bill
- Reimburse expenses only, no up-front payment or pre-authorization for procedures



EXPENSES MUST BE RELATED TO THE CRIME

- For example, if the victim was taking diabetes medication before the crime, this medication would not be covered by the compensation program.



EXHAUST ALL OTHER SOURCES OF PAYMENT

**PAYMENT PROVIDED DIRECTLY TO SERVICE
PROVIDERS FOR ANY OUTSTANDING BILLS**



CANNOT BILL SEXUAL ASSAULT VICTIM FOR MEDICAL FORENSIC EXAMINATION

SASETA (Sexual Assault Survivors Emergency Treatment Act)

- If covered by government program, bill program and accept as full payment
- If covered by private insurance, bill insurance and accept as full payment
- If uninsured, bill SASETA and accept as full payment



\$7,500 — MAX FUNERAL EXPENSES

\$1,250/MO — MAX LOSS OF EARNINGS

\$1,250/MO — MAX LOSS OF SUPPORT

**\$27,000 — MAX
COMPENSATION**

If the claimant's loss
exceeds the maximum
compensation, the loss will
be prorated



COMPENSABLE EXPENSES

- **Medical, Hospital and Dental Expenses**
 - Includes transportation expenses
- **Mental Health Counseling Expenses**
 - Must be licensed (Psychiatrist, LCP, LCSW, LPC, LCPC, Christian Science, not LMFT)
- **Loss of Earnings**
- **Relocation**
 - Includes temporary lodging, first months rent/security deposit, movers/trucks, and storage



COMPENSABLE EXPENSES

➤ Funeral/Burial Expenses

- Includes transportation of the body and travel expenses for a survivor to accompany the body

➤ Loss of Support

- Victim's surviving dependents

➤ Crime Scene Clean-up



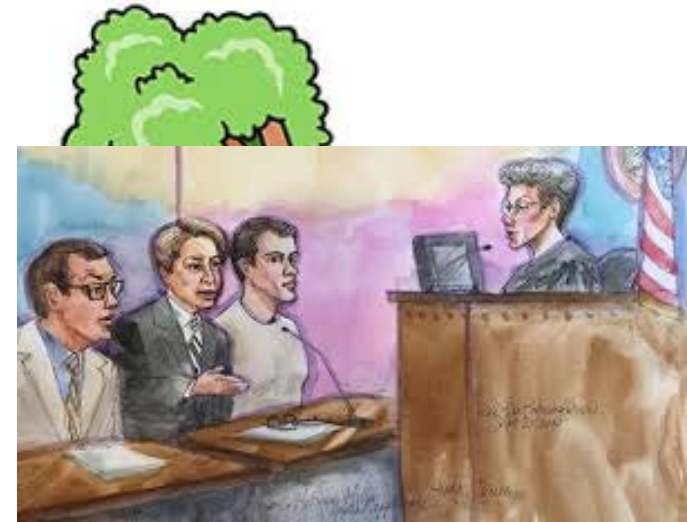
COMPENSABLE EXPENSES

- Replacement Costs
 - Eyeglasses, hearing aids, prosthetic devices
 - Replacing clothing/bedding taken as evidence
 - Locks and windows
- Tattoo Removal (Costs associated w/Trafficking only)
- Accessibility and Usability of Property
 - Wheelchairs and ramps
- Tuition



WE DO NOT PAY...

- Property Loss or Damage
 - Includes any lost currency or other valuables
- Pain and Suffering
- Counseling services that are not therapy sessions or counseling services provided by providers not listed under the Act.
 - Advocacy, court appearances, forensic interviews,
 - a licensed clinical psychologist,
 - licensed clinical social worker,
 - licensed professional counselor,
 - Christian Science practitioners.” 740 ILCS 45/2(h).



SUBSEQUENT BILLS

- Claimants may submit any additional bills directly to the Attorney General's Office with a letter indicating their request to have the claim re-opened.
 - The bill must be related to the crime
 - The claim has not reached the maximum payment amount



TIMING OF THE PROCESS

- Factors:
 - Availability of a police report and other evidence
 - Time it takes to gather all the necessary documents and perform verification
 - From claimants, vendors, police departments, state's attorney's offices, etc.



Sexual Assault

- **Resilience** Formerly-Rape Victim Advocates

180 North Michigan Ave

Suite 600

Chicago, IL. 60601

(312) 443-9603

Services: Medical & Legal Advocacy, Crisis Intervention, Trauma Therapy, Spanish Services

- **YWCA-Metropolitan Chicago**

6600 South Cottage Grove

Chicago, IL. 60637

(773) 955-3100

Services: Sexual Violence Support

- **YWCA-RISE CENTER**

820 W. Jackson Blvd

Suite 550

Chicago, IL. 60607

(312) 773-2102

REFERRAL RESOURCES



Domestic Violence

- **Apna Ghar**

4350 N. Broadway

2nd Floor

Chicago, IL. 60613

(800)717-0757

(773) 334-4663

Services: Indian/East Asian Support

- **Between Friends**

P.O. Box 608548

Chicago, IL. 60660

(800)603-4357

- **Mujeres Latinas En Acción**

2124 W. 21st Place

Suite 550

Chicago, IL. 60608

(773)890-7676

Services: Domestic Violence & Sexual Assault

REFERRAL RESOURCES



PTSD Treatment & Counseling Centers

- **Hartgrove Behavioral Health System**

5730 West Roosevelt Road

Chicago, IL. 60644

(773) 825-3087

- **Light On Anxiety**

1300 West Belmont

Suite 501

Chicago, IL. 60657

(312) 508-3645

- **Rush University Medical Center**

1653 Congress Parkway

Chicago, IL. 60612

(888)352-7874

REFERRAL RESOURCES



Other Resources

- **Korean American Senior Center/Hanul Family Alliance**

5008 N. Kedzie Avenue

Chicago, IL. 60625

(773) 478-8851

Services: Elder Abuse

- **Hana Association**

4300 N. California Ave

Chicago, IL. 60618

(773) 583-5501

Services: Chinese, Vietnamese Support

- **Center on Halsted**

3656 N. Halsted

Chicago, IL. 60613

(773) 472-6470

Services: Community Support/LGBTQ

REFERRAL RESOURCES



Grief Counseling & Support Services

- **Center for Grief Recovery**

1263 W. Loyola Avenue

Chicago, IL. 60626

(773) 274-4600

Services: Grief & Bereavement Counseling

- **Barr Harris Children's Grief Center**

The Chicago Institute for Psychoanalysis

122 South Michigan

Suite 1300

Chicago, IL. 60603

(312) 922-7474

REFERRAL RESOURCES



SCENARIOS

- A ten year old Billy, tells his fourth grade teacher that his uncle, who lives with him, has been inappropriately touching him.
- Teacher notifies DCFS & Chicago Police Department.
- A full investigation at the Chicago CAC results in the arrest of Billy's uncle. Billy's mother has been uncooperative with the prosecutor.



wake



SCENARIOS

- Is Billy eligible for Crime Victim's Compensation? If not, why not?
 - If so, what is he eligible for?
- Yes, Billy is eligible for hospital, medical & counseling expenses. Billy's mother should file the application.
- Billy's siblings (if any) could also file for counseling expenses. Each sibling/victim must file an application.
- Is Billy's mother eligible for Crime Victim's Compensation? If not, why not?
 - If so, what is she eligible for?
- No, Billy's mother is not eligible for her own expenses because she failed to cooperate. The exception only applies to minor.



SCENARIOS

- Veronica & Oren were at Veronica's apartment drinking & watching television. The two were arguing about whether they should watch Modern Family or Orange is the New Black when Veronica slapped Oren.
- After being slapped, Oren backhanded Veronica.



is a waitress and 2 weeks of
uries.



SCENARIOS

- Is Veronica eligible for Crime Victim's Compensation? Why or why not?
 - If so, what is she eligible for?
- Yes, Veronica is eligible for Medical/Hospital/Counseling expenses & Loss of Earnings.
- Although she was the initial aggressor, her injuries were not substantially attributable to her own actions. Oren's response was inappropriate. Because there was such an escalation of violence, i.e., a slap versus the use of a knife, Veronica is still eligible as long as she meets the rest of the requirements.



SCENARIOS

- Mike, a member of a street gang, was beaten up by several street gang members when he attempted to terminate his membership. As a result, he spent 1 evening in the hospital. He did not report the incident to police because he was afraid that if he did so, the gang members would retaliate.
- Several weeks after the incident he received a hospital bill for a



ensation
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SCENARIOS

- Is Mike eligible for Crime Victim's Compensation? Why or why not?
 - If so, what is he eligible for?
- No, Mike is not eligible for compensation because he did not comply with the statutory requirement that he report the incident to police within 72 hours, nor has he established that his reporting was timely under the circumstances.
- Fear of retaliation is not an exception.
- Not within the spirit of helping in the apprehension & prosecution of the offender.
- Alternatively, if Mike had been hospitalized for longer than 72 hours or suffered from a medical condition, like PTSD, as a result of the incident, his late reporting may have been considered reasonable under the circumstances!



**CALL THE ATTORNEY GENERAL'S TOLL-FREE VICTIM ASSISTANCE LINE
(800) 228-3368
CRIMEVICTIMSERVICES @ ATG.STATE.IL.US**

**VISIT OUR WEBSITE AT
[HTTP://WWW.ILLINOISATTORNEYGENERAL.GOV](http://www.illinoisattorneygeneral.gov)**



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