

CRIME VICTIM ASSISTANCE DIVISION

IOWA ATTORNEY GENERAL

Presented by;
Brynne Howard
Administrator – Training, Advocacy & Outreach



Our mission is to advocate for the rights and needs of crime victims and ensure that all crime victims and *survivors* are treated with dignity and respect.



All funds for the CVC, SAE, and CVAD office operations from fines and penalties paid by convicted state and federal criminals,
not taxpayer dollars.



THE NEED- FY 2018

\$3,909,735.66

**Compensation
Paid**

\$2,178,537.08

**Sexual Assault
Exam Payments**

3,869 CVC

claims filed



CVAD Programs



Justice
is not served
until
crime victims are

Sexual Assault Examination

Iowa VINE Notification

Victim Services Support

Identity Theft Passport

Human Trafficking

Registrant Watch

Safe at Home

Crime Victim Compensation



SEXUAL ASSAULT EXAMINATION

Per Iowa Code 915.41, SAE pays the costs of evidentiary examinations for victims in sexual assault crimes.



SEXUAL ASSAULT EXAMINATION

- Adults and children covered
- NO requirement to report
- NO requirement to submit kit
- Victim and insurance NEVER responsible
- CVC eligibility



SEXUAL ASSAULT EXAMINATION

The program will pay:

- Up to \$300 for the examining room and facility
- Up to \$200 for the examiners fee (Sexual Abuse Nurse Examiner or Physician)
- All laboratory and medication costs related to the sexual abuse exam and for prevention of STDs for the crime victim
- Follow up appointments for the crime at the same rates as the initial examination



SEXUAL ASSAULT EXAMINATION FY 18

Amount Paid for Examinations	\$2,178,537.08
Number of Examination Claims Submitted	2,542



SEXUAL ASSAULT EXAMINATION

Program Contact

Ruth Walker

Restitution/Subrogation & SAE Coordinator

Crime Victim Assistance Division – Iowa Attorney General

Ruth.Walker@iowa.gov

515-281-5044



CRIME VICTIM COMPENSATION

The philosophy of the Iowa Crime Victim Compensation

Program is to *deliver quality services by providing financial assistance to eligible survivors of violent crime*

At the same time, the program wills strive to hold defendants financially responsible for their criminal behavior.



What is a violent crime?

A forcible felony, other felony or misdemeanor which involved the actual or threatened infliction of physical or emotional injury

Homicide
Domestic Assault
Sexual Assault
Human Trafficking
Stalking
Harassment
Child Abuse
Assault
Robbery
Vehicular Crimes
Arson
Burglary
Others

COMPENSATION

ELIGIBILITY

1. Victim cannot have consented to, provoked, or incited the crime.
2. Victim cannot have been assisting, attempting, or committing a criminal act that directly resulted in the injuries for which the victim is seeking compensation.
3. The crime must have been reported to appropriate law enforcement within 72 hours of the crime or discovery of the crime.
4. The victim must cooperate with reasonable requests of law enforcement and prosecution.
5. The victim must file an application for compensation within 2 years of the date of the crime.



COMPENSATION

GOOD CAUSE EXCEPTIONS

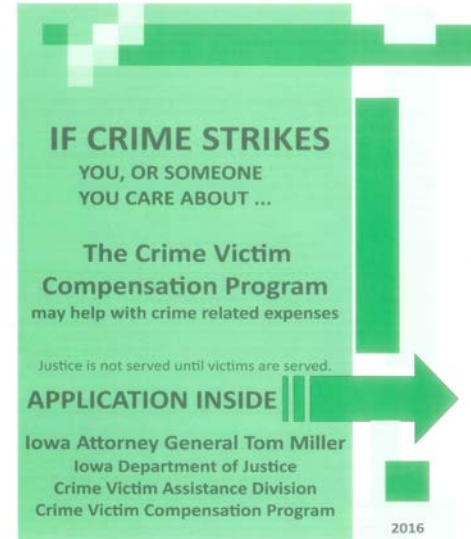
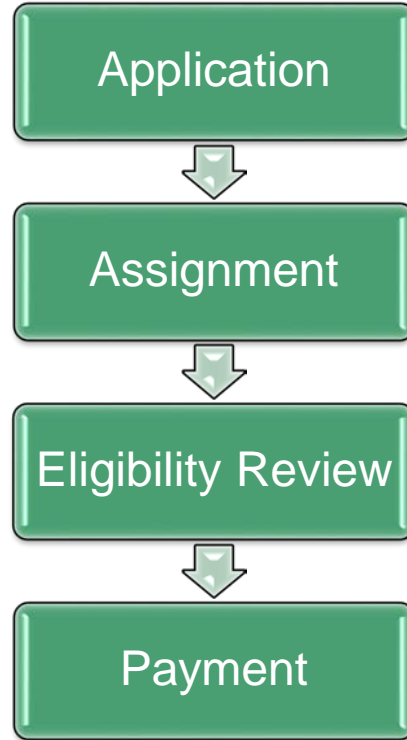
Factors CVC may consider in determining the presence of good cause may include

*age of the victim,
physical/psychological condition of the victim,
sexual assault examination completed,
cultural or linguistic barriers,
health, or safety.*



COMPENSATION

PROCESS



COMPENSATION

VICTIM CATEGORIES

Primary – person who suffers personal injury or death because of a crime.

Secondary – spouse, children, parents, siblings, person residing with victim.

Homicide Survivor – spouse, former spouse, child, foster child, parent, guardian, step-parent, sibling, foster sibling, person cohabitating or otherwise related by blood or affinity.



COMPENSATION

Primary Benefits	Limit
COUNSELING	\$5,000
MEDICAL	\$25,000
LOST WAGES**	
Crime related injuries	\$6,000
Lost wages to attend criminal justice proceedings	\$1000/person
OTHER**	
Dependent care	\$1,000
Crime Scene Clean-up	\$1,000
Replacement of clothing/bedding held as evidence	\$200
Transportation and Lodging	\$1,000
Residential security	\$500
Funeral/Burial	\$7,500
Loss of Support	\$4,000
Relocation	\$1,000 lifetime benefit
Housing/Shelter needs *SUSPENDED FY18	\$2,000 lifetime benefit *SUSPENDED FY18

COMPENSATION

Secondary Benefits	Limit
COUNSELING	\$2,000
LOST WAGES**	
Lost wages to attend primary victim appointments	\$1,000
Lost wages to attend criminal justice proceedings	\$1000/per person
OTHER**	
Dependent care (if primary is dependent)	\$1,000
Transportation and Lodging	\$1,000
Residential security	\$500/residence
Relocation	\$1,000 lifetime benefit



COMPENSATION

Homicide Survivor Benefits	Limit
COUNSELING	\$5,000
MEDICAL	\$3,000
LOST WAGES**	
Homicide survivor lost wages	\$6,000
Lost wages to attend criminal justice proceedings	\$1000/per person
OTHER**	
Dependent care	\$1,000
Transportation and Lodging	\$1,000
Residential security	\$500
Relocation	\$1,000 lifetime benefit



Updates from the CVC Program..

- A person victimized **before January 1, 1983** may now be eligible if CVC can obtain sufficient information to verify eligibility.
- CVC can waive cooperation for “good cause”
- CVC can waive collateral source reduction for “good cause” (i.e. offender is insurance policy holder).
- Counseling is no longer required to be “in person” as long as counselor meets requirements to provide compensable mental health services
- 25% reduction is now being applied to all wage loss payments
- Homicide Survivor wages – ANY eligible survivor can be paid up to 30 days without a disability statement.



A few tips for helping survivors apply

- Make sure the applicant **signs the release!** Without the properly signed release, CVC can't talk to providers, to advocates or effectively process the claim.
- If the crime wasn't reported to law enforcement, it's helpful for an advocate to either:
 1. Send in the application with the advocate statement attached;

OR

 2. Get a release from the survivor to give crime details to CVAD.



Ex. Advocate Statements

EXAMPLE OF AN UNHELPFUL STATEMENT:

Over the last five years the victim has been abused by the offender multiple times. He uses drugs and calls her derogatory names. Recently, the offender assaulted the victim and threatened her. The victim wants to get her own place but cannot afford it.

- Words like *abused*, *assaulted*, and *threatened* are conclusions and do not establish a criminal act occurred. Being called ugly or told one makes lousy spaghetti could be considered a verbal assault by some; however, these are opinions and not criminal acts. We need to know what happened that was a criminal act. The statement should clarify what criminal charge could be filed if the victim contacted law enforcement. Detail what the victim said which had you conclude they were assaulted.



Ex. Advocate Statements_(cont.)

THE SAME STATEMENT MADE HELPFUL:

Jane lived with her boyfriend, John, for five years. On 02/14/19, John accused Jane of cheating and smashed her cell phone onto the floor. He called Jane a whore and pushed her into a wall which caused Jane to hit her head. John threatened to kill Jane if she called law enforcement. Jane left the home and has been staying with a friend.

- This narrative verifies the occurrence of a domestic assault which caused physical injury. Information about the damaged cell phone allows us to consider reimbursing the cost of a replacement cell phone. Knowing the victim moved immediately provides a good cause reason to extend the 30-day relocation requirement. Knowing the offender threatened to kill the victim corroborates a good cause reason to waive the requirement to report the crime to law enforcement.



Ex. Advocate Statements_(cont.)

On 02/14/19, ISU student Hannah asked her exboyfriend to pick up some belongings. The ex-boyfriend arrived and had been drinking. He hugged Hannah from behind and rubbed her breasts with his hands. She told him to stop but he refused and forced his hand down her shorts and underwear. Hannah tried to get away, but he overpowered her and penetrated her vagina with his penis. For two weeks Hannah was too upset to work. The offender has returned to Hannah's home several times since the crime. He has a key to Hannah's residence and sends images of it to her.

- This narrative verifies the occurrence of a domestic sexual assault which caused injury. Knowing the offender has a key to Hannah's house will prompt us to inform Hannah about the residential security benefit. We know the offender has committed harassment and stalking after 02/14/19, which could provide a good cause reason to extend the 30-day emergency relocation benefit if Hannah wants to move. The statement indicates Hannah lost wages, which informs us to explore wage reimbursement with her. Explaining the victim's fear and extent of her emotional trauma corroborates a good cause reason to waive the requirement to report the crime to law enforcement.



Program Activity	SFY18
Applications received	3,869
Applications approved	3,369
Applications denied	500
Victims served by advocate	640
Count of restitution payments made	4,698
Count of subrogation payments received	32
Amount of restitution received	\$63,171
Amount of subrogation received	\$116,571
Compensation paid for Crime Victims	\$6,088,272.66

Compensation

Program Contacts

Lizzie Martin – CVAD Advocate

Crime Victim Assistance Division Iowa Attorney General

elizabeth.martin@ag.iowa.gov

(515) 281-8354

Robert Hamill – Compensation Administrator

Crime Victim Assistance Division Iowa Attorney General

robert.hamill@ag.iowa.gov

515-281-5044



Learn More

Continued opportunities for learning are available at:

www.iowaattorneygeneral.gov

And posted to:

www.facebook.com/CrimeVictimAssistanceDivision

FREE RESOURCES ARE AVAILABLE!



Contact Us

Office of the Attorney General of Iowa
Crime Victim Assistance Division
321 E. 12th Street, Des Moines, IA 50319
515-281-5044 OR 800-373-5044
www.iowaattorneygeneral.gov

