COMPENSATION PROGRAMS
IN ALL 50 STATES
Crime Victim Compensation Commission

- Hawai‘i State Legislature
- Created 1967

To alleviate the physical, mental and financial hardships suffered by victims of violent crimes.
COMPENSATION FOR VICTIMS OF VIOLENT CRIMES
Crime Victim Compensation

- Victims of Covered Crimes
  - Crime Related Medical Expenses
  - Crime Related Therapy Expenses
  - Lost Earnings as a Result of the Injury
  - Acknowledgment Award
    - One time award between $50-$400 based on level of crime.
- Deceased Victim
  - Funeral Expenses up to $4,000
  - Medical Expenses
  - Crime Scene Cleaning
  - Financial Support to Legal Dependents
- Mass Violence Incident
  - Same as above plus mental health counseling for family of deceased and for people present at the incident
Compensation Is Limited By Haw. Rev. Stat. § 351

- Maximum Award
  - $8,000 or
  - If medical expenses exceed $10,000, then $16,000 in medical expenses only
  - Payors of last resort – must use insurance (medical, automobile, home, TDI, Worker’s Compensation)

- On average, processing an application takes 6 months
  - Need to get police reports and records directly from the source
  - State checks - takes 5-7 weeks to process
Compensation Limitations

- Cannot Cover Relocation Costs, Costs For Attending Court Hearings or Filing Restraining Orders
- Loss/Damage to Property is Not Compensable, Except for the Following:
  - Eyeglasses, Dentures, Prosthetic Damaged in the Act of the Covered Crime
  - Item Taken Into Evidence for Covered Crime
    - Clothing in a Sexual Assault
- Contribution to the Crime by the Victim is Taken into Consideration
WHO QUALIFIES FOR CRIME VICTIM COMPENSATION
COVERED CRIME

- Occurred in the State of Hawaiʻi, or
- The victim is a resident of Hawaiʻi and was a victim of a covered crime in another state
- The victim is a resident of Hawaiʻi and was a victim of an act of terrorism outside of the United States
Covered Crimes

- Murder I and II
- Manslaughter
- Negligent Homicide I and II
  (Negligent Homicide III is not a covered crime)
- Negligent Injury I and II
- Assault I, II and III
- Sexual Assault I, II, III and IV
- Kidnapping
- Abuse of Family and Household Member
  (Does NOT include violation of the stay away order)
- International Terrorism
- Sex Trafficking
Eligibility for Compensation

- Victim of a Covered Crime
  - Reported Crime To The Police Within 72 Hours Unless the Crime Is Charged or Good Cause Is Established
- Submit an Application Within 18 Months Unless Good Cause Is Established
- Good Cause means a Mental, Physical, or Legal Impairment
  - Not Knowing About Crime Victim Compensation is not Good Cause
YOUR ROLE IN THE APPLICATION PROCESS
Why Should You Encourage a Victim of a Covered Crime to Apply?

- Victims should not bear the cost of their victimization.
- Even if there are no out-of-pocket expenses, there is an acknowledgment award.
- Because it is a VOCA requirement.
APPLICATION REQUIREMENTS

- Completed application
  - Applicant’s complete mailing address
  - Crime information
  - Defendant name if known
  - Medical providers name and address
    - If the victim has Quest/Medicaid, please indicate it
- Signature in blue or black ink
- Submit original to Commission
HOW TO ASSIST AN APPLICANT

- If the Applicant is transitional
  - Permanent mailing address (parent, friend)?
  - Stress to them the importance of updating their address with the Commission

- Medical Bills
  - If no out of pocket expenses, do not make a claim
  - Directly related to incident
  - Copy of a bill – no duplicates please
  - Comply with insurance company’s Third Party Liability requirements
Assistance (cont.)

- **Lost Earning**
  - Medical certificate
  - Paystubs (tax returns if self employed)

- **CVCC vs. Civil Suit vs. Restitution**
  - Civil suits are for money damages. Victim normally must hire an attorney
  - Restitution is ordered by the court after a criminal conviction and there is not guarantee that the defendant can/will pay
  - CVCC Compensation is not dependent on the prosecution of the case
Assistance (cont.)

- Manage expectations
  - Compensation takes time
  - The Commission communicates in writing
  - If no communication after 4-6 months, have them follow up
  - There are no guarantees, all cases are decided on a case by case basis

- Follow up
  - Encouragement
ODDS AND END
Translations

- Please attach a note stating the Applicant requests the documents be translated to the requested language.
  - Translations are done as quickly as possible but there will be a delay.

- If an Applicant needs to speak to the Commission:
  - If the Applicant has someone to translate for them, a three way call can be conducted.
  - If not, the Commission can get an interpreter to translate the call for a date and time certain at least a week after the request for a translated conversation.
CONFIDENTIALITY

- Strict Confidentiality
  - HIPAA
  - Personal information

- Third Party Inquiries
  - Applicant must give express permission
APPLICATIONS

- Commission
  - Call 587-1143
  - [www.hawaii.gov/cvcc](http://www.hawaii.gov/cvcc)
    - Cannot be submitted on-line

- Mail completed applications to:
  - 1136 Union Mall Suite 600
  - Honolulu, Hawai‘i 96813
If you have any questions, please do not hesitate to call the Commission.

THANK YOU!!