



Crime Victims' Compensation

General Overview



Crime Victim Services Mission Statement

To assist in the compassionate and effective delivery of crime victim services by offering information, resources, financial assistance, and education to crime victims and the organizations assisting them.



CVC Goal

- ▶ The goal of CVC is to reimburse victims of crime for certain out-of-pocket expenses not reimbursed by other sources.
- ▶ The Office of the Attorney General shall award to victims and claimants compensation for pecuniary loss arising from criminally injurious conduct.



Enabling Legislation

- ▶ Texas Code of Criminal Procedure
- ▶ Article 56 subchapter B
- ▶ Article 56.31 through 56.64
- ▶ Crime Victims' Compensation Act
- ▶ CVC began January 1, 1980



CVC Mandates

- ▶ A victim has the **RIGHT** to request and receive information about Crime Victims' Compensation.
- ▶ Texas Code of Criminal Procedure, Article 56.02 (a)(6) and TFC, 7.002(6)



CVC Mandates

- ▶ T.C.C.P. Art. 56.07 Law Enforcement Mandate
 - Initial contact with victim
 - Written notice

- ▶ T.C.C.P. Art. 56.08 District and County Attorneys
 - 10-day written notice
 - Assistance with application

- ▶ T.C.C.P. Art. 56.60 Public Notice
 - Posters in hospital emergency rooms



CVC Funding

- ▶ It is not a tax-based or general-revenue-funded program. No tax dollars are used.

- ▶ Sources of funding in FY 2017 were:
 - Court fees
 - Federal VOCA grant
 - Restitution
 - Subrogation
 - Other receipts
 - Gifts



Restitution

- ▶ CVC pays benefits to an eligible victim.
- ▶ At some point, an offender is apprehended and convicted.
- ▶ At sentencing, the judge can order the defendant to pay restitution to the CVC Fund for what the victim was paid in eligible benefits.



Subrogation

- ▶ CVC pays benefits to, or on behalf of, a victim.
- ▶ Victim files and wins a civil lawsuit for damages or receives a settlement from perpetrator.
- ▶ Victim reimburses funds to CVC for lawsuits and settlements related to the crime.
- ▶ Victim and his/her attorney are subject to prosecution for failure to notify CVC.



Payer of Last Resort

- ▶ All collateral sources must pay first:
 - Medicaid
 - Health insurance
 - Medicare
 - Texas Workers' Compensation
 - Auto insurance



CVC Fiscal Year 2017 Summary

- ▶ \$ 64.2 million in payments

- ▶ Received a total of 34,813 applications and sexual assault exam reimbursement claims
 - 24,306 were victim compensation applications
 - 10,507 were sexual assault reimbursement claims



Victim

Who is a victim?

- ▶ An individual who suffers physical or mental harm or death as a result of criminally injurious conduct
- ▶ Note that every application has to have one victim, and only one victim
- ▶ Includes peace officers, firefighters or individuals whose employment duty is to protect the public



Claimant

Who is a claimant?

- ▶ An authorized individual acting on behalf of a victim
- ▶ An individual who legally or voluntarily assumes the obligation to pay expenses
- ▶ A dependent of a deceased victim
- ▶ An immediate family or household member who requires psychiatric care or counseling
- ▶ An application can have multiple claimants, but only one victim



Eligibility (1 of 3)

Who is eligible to receive CVC?

- ▶ A Texas or U.S. RESIDENT who becomes a victim of crime in Texas
- ▶ A Texas resident who becomes a victim in a country with no benefits
- ▶ A Texas resident who becomes a victim of a crime defined as an act of terrorism committed outside the United States (as of September 1, 1997)



Eligibility (2 of 3)

RESIDENT as used in the Texas Code Criminal Procedure ART. 56.32(a)(11)(A)(ii), the term means a person who has a domicile in Texas or who lives for more than a temporary period in Texas, another state or the U.S., the Dist. Of Columbia, the Commonwealth of Puerto Rico, or a possession or territory of the U.S.



Eligibility (3 of 3)

- ▶ A Social Security number is not required for a victim to apply and be eligible for the CVC Program.
- ▶ A tax ID or Social Security number is a requirement to receive a payment.



Criminally Injurious Conduct

“Criminally injurious conduct” refers to crimes that:

- ▶ Are attempted or occur
- ▶ Pose a substantial threat of personal injury
- ▶ Would be punishable by fine or imprisonment



CIC Crimes Eligible for Reimbursement (1 of 2)

- ▶ Criminal injurious conduct (CIC) crimes are violent crimes against persons.
- ▶ CIC crimes range from simple assault to homicide and include such crimes as family violence, child sexual assault, kidnapping, arson, robbery and carjacking.



CIC Crimes Eligible for Reimbursement (2 of 2)

- ▶ CIC vehicular related crimes are:
 - Crimes of intentional injury with an automobile, boat, or plane
 - Failure to stop and render aid (hit and run)
 - Vehicular crimes involving drugs or alcohol
 - Intoxication-related crimes (assault, manslaughter or criminally negligent homicide)



Denial or Reduction Behavior Factors

- ▶ If the person
 - Was engaged in illegal activity (deny or reduce)
 - Shares in the responsibility for the crime (deny or reduce)
 - Fails to cooperate with law enforcement and prosecution efforts (deny)

- ▶ Possible factors
- ▶ Entire situation is reviewed



CVC Requirements

- ▶ There **is no** requirement that a suspect be
 - Identified
 - Apprehended
 - Charged
 - Convicted...for a victim to apply for and be awarded compensation.

- ▶ There **is** a requirement for the victim to cooperate throughout the criminal justice process.



CVC Reporting Requirements

- ▶ Reporting the crime to law enforcement
 - 72 hours prior to September 1, 1997
 - On or after September 1, 1997, a reasonable period of time, but not so late as to interfere with or hamper the investigation and prosecution

- ▶ The program has the discretion.
 - The victim is a child.
 - Extraordinary circumstances hampered the reporting



CVC Filing Requirements

- ▶ Filing requirements to CVC program
 - Prior to September 1, 1997, one year
 - On or after September 1, 1997, three years

- ▶ Exceptions
 - Good cause
 - Child victim through age 18 (pre-1997)
 - Child victim age 18 to 21 (1997-present)
 - Victim physically incapacitated



Application (1 of 2)

- ▶ The CVC application (English and Spanish) is available on our web page.
- ▶ The application is always reviewed after a legislative session to assure it meets statutory requirements.

An application is considered complete and will be processed when it:

- Is filled out in its entirety
- Is signed by a victim or a valid adult claimant
- Provides law enforcement information
- Provides any other information requested by the OAG



Application (2 of 2)

IMPORTANT AFFIDAVIT

This affidavit is part of your application and must be completed and signed in order to process this claim.
BY YOUR SIGNATURE BELOW YOU AGREE TO THE FOLLOWING TERMS.

Authorization for Release of Information. I hereby authorize any financial institution, social service agency, government agency, hospital, physician, mental health facility, counselor, psychologist, psychiatrist, employer, insurer or other person with information relating to financial, health or employment status to release information concerning this application for benefits to the employees of the Crime Victims' Compensation Program of the Office of the Attorney General as needed to process this claim. This information is to include, but is not limited to, financial, employment, diagnosis and treatment information. A copy of this signed release will be considered the same as the original.

Subrogation Agreement. In accordance with Texas Code of Criminal Procedure, Article 55.51 and 55.52, I agree to notify the Crime Victims' Compensation (CVC) Program of the Office of the Attorney General in writing before I file a lawsuit against another party as a result of this crime. I further agree that I shall not settle or resolve any such action without prior written authorization from CVC. If I file bankruptcy or if I recover or anticipate recovery of any money at any time, by judgment, settlement, restitution, collateral source or any other income as a result of the incident that gave rise to this claim, I agree to notify and/or repay CVC for any and all amounts that CVC has awarded to me.

Refund Agreement. I understand and agree that the Office of the Attorney General may request a refund of payments previously made due to overpayments, submission of false or fraudulent information, unjust enrichment, failure to provide requested information, non-cooperation with law enforcement or non-compliance with any requirement of the Texas Code of Criminal Procedure, Chapter 56.

Affirmation and Authorization. I swear and affirm under penalty of perjury under the laws of the State of Texas (Penal Code §37.02) that the information provided in the application to the Crime Victims' Compensation Program and any additional information that I provide is true and correct. I understand that the Texas Attorney General or any agent or representative of the office has the right to verify the information provided. I understand and agree that if false, misleading or intentionally incomplete information is provided, my claim for benefits will be denied and I may be subject to criminal punishment under the Texas Penal Code and administrative penalties under the Texas Code of Criminal Procedure, Chapter 56.

VICTIM

Printed Name:	Date:
Signature:	

(Parent or legal representative must sign if victim is a minor or incapacitated adult)

CLAIMANT

Printed Name:	Date:
Signature:	

(Parent or legal representative must sign if claimant is a minor or incapacitated adult)



Awards

- ▶ Up to:
 - \$25,000 for crimes prior to September 1, 1997
 - \$50,000 for crimes on or after September 1, 1997

- ▶ For reimbursement of medical costs, counseling, lost wages, funeral costs, and other costs resulting from the crime

- ▶ Does not include property loss or damage



Award Types

- ▶ Medical
(includes psychiatric care/counseling and dental)
- ▶ Loss of earnings
- ▶ Loss of support
- ▶ Funeral and burial
- ▶ Relocation and rental
- ▶ Child or dependent care
- ▶ Crime Scene clean-up
- ▶ Property seized as evidence
- ▶ Travel

For dates of crime on or after July 15, 2016 there are NEW benefit limits.



Medical Expenses

Includes:

- ▶ Hospital expenses
- ▶ Doctors' fees
- ▶ Prescriptions
- ▶ Emergency room
- ▶ Ambulance
- ▶ X-rays
- ▶ Rehabilitation
- ▶ Nursing home
- ▶ Dental



Medical Expenses

- ▶ Medical expenses are paid according to the Division of Workers' Compensation medical fee guidelines and are based on the dates of services rendered.
 - If the victim pays the medical bills, they will be reimbursed their actual cost.

- ▶ The victim is not responsible for the difference, unless the victim had benefits reduced or the claim is found to be a "med max."
 - Example: medical bills total cost that exceed the amount available for a claim.

- ▶ Medical expenses are only limited by the funding available in the claim.

- ▶ Reimbursements for medical expenses must be submitted within three years of the date of service, unless extenuating circumstances exist.



Mental Health

- ▶ Inpatient psychiatric care or counseling
 - Victim only
 - \$600 per day (before September 1, 2014)
 - After September 1, 2014, expenses paid at the medical fee guideline
 - Maximum 30-day stay; unless good cause is shown
 - Should be pre-authorized

- ▶ Outpatient psychiatric care or counseling
 - 60 sessions for victim
 - 60 sessions for claimant



CVC Eligible Mental Health Providers

- ▶ Eligible providers must be licensed mental health providers limited to the following professions which are updated on the CVC web page:
 - Psychiatrist, and other M.D.
 - Clinical Psychologist
 - Clinical Nurse Specialists in Psychiatry (CNS)
 - Licensed Professional Counselor (LPC)
 - Licensed Marriage and Family Therapist (LMFT)
 - Licensed Clinical Social Worker (LCSW)

- ▶ CVC does not make referrals to victims seeking treatment; they are referred to their local resources.



Travel

- ▶ Travel expenses due to participation in or attendance at:
 - The investigation prosecution, or judicial processes; also post-conviction and post-adjudication-involvement
 - The execution of the perpetrator
 - Seeking necessary medical treatment and counseling services
 - The funeral of the victim for immediate family and household members



Travel

- ▶ Exceeds 20 miles (one way)
 - Necessary and reasonable transportation
 - Commercial transportation
 - Personal vehicle / state mileage reimbursement rate

- ▶ Exceeds 60 miles (one way)
 - Meals and lodging expenses
 - Meals and lodging are per diem state rate
 - Commercial transportation
 - Personal vehicle / state mileage reimbursement rate

- ▶ Different travel rates apply for different years and are based on the state rate at the time.



Loss of Earnings

- ▶ Loss of Earnings related to *medical*:
 - Physical or emotional disability (victim)
 - While seeking medical treatment for crime-related injury (victim)
 - Care for a medically incapacitated adult/minor child (claimant)
 - Attending counseling for crime related injury (victim or claimant)

- ▶ Loss of Earnings related to the *criminal justice system*:
Police investigation appointments (victim or claimant)
 - Protective order court appointment
 - Criminal proceedings
 - Post-conviction
 - Post-adjudication proceedings (executions)

- ▶ Loss of Earnings related to victim's *funeral*



Loss of Earnings

- ▶ If employed, weekly net earnings are multiplied by the disability period.
- ▶ Limited to \$700 per week
- ▶ If unemployed, CVC will consider situations that demonstrate the victim would have been employable. Benefits would be based on anticipated loss of future earnings.



Loss of Support

- ▶ To dependents of a murder victim
 - Up to \$50,000

- ▶ To dependents of surviving victims
 - Usually family violence
 - Limited to 13 continuous weeks

- ▶ To dependents of a medically disabled victim
 - During disability period

- ▶ Limited to \$700 per week

- ▶ Verification of dependency, support lost and collateral sources



Funeral and Burial

- ▶ Funeral and burial expenses maximum of \$6,500
- ▶ Additional funds available to transport the body
- ▶ What is covered:
 - Funeral services
 - Casket, urn
 - Graveside services
 - Cemetery expenses
 - Marker/headstone
 - Cremation charges
 - Additional costs such as flowers, burial clothing for the deceased, exhumation and reburial



Relocation (1 of 4)

For victims of : Family violence (June 19, 1999)
Sexual Assault in their residence (September 1, 2001)
Human trafficking (September 1, 2013)
Stalking (September 1, 2015)

- ▶ \$3,800 total benefit
 - Up to \$2,000 for applicable relocation costs:
 - Transportation
 - Deposits and fees
 - Moving van and storage
 - Three months rent up to \$1,800

- ▶ One-time award

- ▶ 3 year time limit to apply for relocation



Relocation (2 of 4)

- ▶ For victims of sexual assault in their residence (September 1, 2001)
- ▶ “Sexual assault “ means an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code.



Relocation (3 of 4)

- ▶ For victims of family violence (June 19, 1999)
 - Proof of cohabitation

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.



Relocation (4 of 4)

- ▶ For victims of human trafficking (September 1, 2013)

Sec. 20A.02. TRAFFICKING OF PERSONS. (a) A person commits an offense if the person knowingly:

- (1) traffics another person with the intent that the trafficked person engage in forced labor or services;
- (2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;
- (3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct



Child or Dependent Care

- ▶ Only available as a NEW EXPENSE resulting from the crime
- ▶ Children (14 years and under) or dependent adults
- ▶ Care must be provided by licensed or registered provider
- ▶ \$300 per week per child or dependent
 - Crime dates after May 7, 2005 child care is limited to 90 days
 - Crime dates on or after July 15, 2016 child care is limited to 1 year
 - 90 day child care exception for dependents of deceased victims



Crime Scene Clean-Up

- ▶ Reasonable and necessary costs of cleaning the crime scene
- ▶ \$2,250 limit
- ▶ Commercial cleaning company
- ▶ Will reimburse for cleaning supplies when work is done by volunteers



Property Seized as Evidence

- ▶ Reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation
- ▶ \$1,000 limit
- ▶ This is the only property for which reimbursement can be paid by CVC.



Extraordinary Pecuniary Loss

- ▶ Extraordinary pecuniary loss is a *total and permanent disability*.

- ▶ Above the base award the EPL benefit is
 - Additional \$25,000
(for crimes occurring September 1995-97)
 - Additional \$50,000
(for crimes occurring on or after
September 1, 1997 to August 31, 2001)
 - Additional \$75,000
(for crimes occurring on or after September 1, 2001)



Extraordinary Pecuniary Loss Total and Permanent Disability

- ▶ Durable medical equipment
- ▶ Rehabilitation technology
- ▶ Nursing home care
- ▶ Home and Auto adaptations
- ▶ Vocational Rehabilitation
- ▶ Home health care
- ▶ Training in the use of special appliances
- ▶ Loss of earnings
- ▶ Job training



Appeals Process

- ▶ The victim or claimant has the right to appeal a decision (eligibility or awards)
 - Reconsideration
 - Final Ruling Hearing
 - District Court



Claim Closure Due to Fraud

- ▶ **Texas Code of Criminal Procedure, Article 56.41 (b)(7)**
(b) The attorney general shall deny an application for compensation under this subchapter if: (7) the claimant or victim knowingly or intentionally submits false or forged information to the attorney general.

- ▶ **Texas Code of Criminal Procedure, Article 56.38 (b)**
The attorney general may investigate an application.

- ▶ **Texas Code of Criminal Procedure, Article 56.47(a)**
The attorney general, on the attorney general's own motion, or on request of a claimant or victim, may reconsider;
 - (1) a decision to make or deny an awards; or
 - (2) the amount of the award



Claim Closure Due to Fraud

▶ Loss of earnings

Scenario 1

- Victim was awarded loss of earnings.
- CVC received information that victim submitted two false employment verification documents and also forged HR Director's signature to falsely show they were employed.
- Victim was charged and arrested for tampering with a governmental record.

Scenario 2

- Victim submitted false medical documentation in order to continuing receiving loss of Earnings.
- Victim, a nurse, had been terminated from his/her job due to felony forgery convictions, but falsely indicated that it was due to a crime-related injury.



Claim Closure Due to Fraud

► Relocation

Scenario 1

- Victim awarded relocation, but claimed she never received the check.
- CVC processed a stop payment and issued a 2nd check.
- Comptroller's records revealed both checks had been cashed.
- Victim was charged with theft.

Scenario 2

- Victim submitted a falsified lease.
- CVC called apartment complex and was advised victim was not approved.
- Victim was charged with tampering with a governmental record.



CVC Claims Management System

- ▶ Remote User Access in the CVC Claims Management System is now referred to as the CVC Web portal.
- ▶ CVC Secure Web portal is a tool applicable users can access to view basic CVC claim information via the Internet.
- ▶ There are three levels of security access to CMS:
 - Service Providers
 - Law Enforcement
 - Non-Profit Victim Advocates



CVC Claims Management System

- ▶ All CMS users are able to view general case information.
- ▶ Service provider accounts allow the user to view only those claims for which they have provided services based on their tax ID.
- ▶ Law enforcement and advocate accounts allow the user to view general billing information and case notes.
- ▶ If you would like to access the new web portal, your organization's contact person must complete a new organization application.
- ▶ Once the organization has been approved, individual users can complete a new user application.



OAG Website for CVC

- ▶ OAG website for Crime Victim's Compensation
 - www.oag.texas.gov

- ▶ What is available on the CVC website?
 - General program information
 - Basic qualification requirements
 - Reimbursable expenses
 - How to apply
 - Forms and applications
 - Appealing a denial
 - Remote User / Claims Management System
 - Information for service providers
 - Publications and materials order
 - Training



Other Programs Available (1 of 3)

Sexual Assault Exam Reimbursement Program

- ▶ Reimburse law enforcement for the reasonable costs of a sexual assault examination of a victim
- ▶ Full details and application at OAG website
- ▶ A separate claims process from victim CVC claim
- ▶ Contact person: Roxanne Ramon (512) 936-1920



Other Programs Available (2 of 3)

Address Confidentiality Program

- ▶ Texas Code of Criminal Procedure Articles 56.81-56.93
- ▶ ACP assists victims of family violence, sexual assault and stalking, aiding in effort to keep victim's address confidential.
- ▶ Works in conjunction with victim's existing safety plan



Other Programs Available (3 of 3)

Address Confidentiality Program

For more information contact:
Office of the Attorney General
Address Confidentiality Program (ACP)
P.O. Box 12199 MC Program
Austin, Texas 478711-2199
www.crimevictims@oag.texas.gov
(512) 936-1750
(888) 832-2322



For More Information

Office of the Attorney General
Crime Victim Services Division

CVC Program
P.O. Box 12198
Austin, TX 78711-2198
www.oag.texas.gov

(512) 936-1200 or (800) 983-9933 Main Number
(512) 320-8270 General Fax Number

National Association of Crime Victim Compensation Board website has links to
each state's CVC program
www.nacvcb.org



CERTIFICATE of PARTICIPATION

The Office of the Attorney General presents this certificate to:

(Print your name)

with sincere appreciation for your on-line training
on this _____ day of _____, 20____
of the

CVC General Overview

(Signature of participant)

Mail a copy of your certificate to :
Crime Victim Services Division
Attention: Training & Outreach Coordinator
P O Box 12198
Austin, Texas 78711-2198