

Helping Victims of Violence Against Women: Practical Issues

Substantiating an Unreported Crime

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Iowa Code

- A person is not eligible for compensation unless the crime was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. If the crime cannot reasonably be reported within that time period, the crime shall have been reported within seventy-two hours of the time a report can reasonably be made. The department may waive this requirement if good cause is shown.

Administrative Rules

- 9.29(4) Good cause. In determining whether there is good cause for waiving the requirement to report a crime to law enforcement within 72 hours of the occurrence of the crime, the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered.
- 9.29(5) Child victim. If the victim is a child as defined in Iowa Code section 232.2 and is reported to be a victim of child abuse, the department finds there is good cause to waive the 72-hour reporting requirement.
- 9.29(6) Dependent adult victim. If the victim is a dependent adult as defined in Iowa Code section 235B.2(4) and is reported to be a victim of dependent adult abuse, the department finds there is good cause to waive the 72-hour reporting requirement.

Acceptable Information

- Medical records disclosing crime or establishing injuries from a crime
- Sexual Assault Examination program records
- Mental health treatment records disclosing crime
- Statements documented by a certified victim advocate when seeking assistance
- Dept. of Human Services reports, civil no-contact orders

Administrative Rules

- 9.29(7) Sexual abuse victim. For a victim of sexual abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a sexual abuse evidentiary examination was completed within 72 hours of the crime
- 9.29(8) Domestic abuse victim. For a victim of domestic abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a pro se protection order pursuant to Iowa Code chapter 236 is entered by the court

Crime Substantiation for Advocates

Victim Service Programs Statement of Crime

When the crime has not been reported to law enforcement, medical professional, or counselor/therapist

1. What is the name of the victim? _____
2. In what city and state did the crime occur? _____
3. What type of crime was it? _____
4. Please list all injuries (physical and/or emotional)? _____
5. What was the date of the crime (estimate if unknown)? _____
6. Was the crime reported to law enforcement or 911 called? _____

7. If the victim does not intend to report the crime, please identify why:

The victim was a juvenile. The victim was afraid to report due to health/safety concerns.

There were cultural/linguistic barriers. The victim's physical/mental state prevented it.

Please explain: _____

8. If the victim does not intend to report the crime, please describe the basic facts of the crime (Who was involved? What happened? How did it happen?)

Practical Issues

- Reaching victims who have fled but don't stay in DV shelter
- Where was medical or mental health treatment provided?
- Did advocacy get enough details for us to understand basic facts of the crime and why there is good cause to waive reporting requirement?

Practical Issues

- Counseling records aren't always descriptive. Initial assessment may not describe crime.
 - Session notes may be needed
- Advocacy training and turnover
 - Slow response, or no response
 - Haven't served the applicant
- Reaching mobile advocates in the field

Practical Issues

- Victim Service confidentiality and Release of Information

I give permission to any hospital, clinic, doctor, insurance company, employer, person, funeral home, **victim service provider to verify crime details**, or agency to give needed information, including medical records and test results which may include drug and alcohol screens, HIV screening & AIDS related information, to the Crime Victim Compensation Program of the Iowa Department of Justice.

Practical Issues

- Communication with applicants who have fled and/or are in state of flux
 - Where the crime occurred vs. where services were provided
 - Bad address; No address; Bad phone number

Denial

- If we cannot substantiate crime at ~40 days, denial will be issued.
- Denial letter explains we can approve with specific third party documentation.
- Can reconsider administratively if info provided.
- Denial sometime encourages action.

Administering Benefits

- All benefits are reimbursement based and must be connected to the crime.
- Challenges include:
 - Does crime date match up with expenses?
 - Assessing wage loss due to crime injuries
 - Statutory limitations (i.e. did relocation occur within 30 days of crime?)
- Many of these claims remain “Eligible No Pay”