



Victim Cooperation and Contribution

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Cooperation

An application shall be denied if the victim failed to reasonably cooperate with a law enforcement agency in the apprehension and conviction of a criminal committing the crime.

Cooperation includes reporting the crime, being truthful in responses for information in a timely manner, and testifying in all proceedings.

Cooperation: Mitigating Factors

- Victim's age
- Physical condition
- Psychological state
- Cultural or linguistic barriers
- Compelling health and safety concerns
- Fear of retaliation

Domestic Violence

- Victims of domestic violence shall not be found uncooperative based on his/her conduct at the scene of the crime or failure to file a police report.
- Victims may be found uncooperative if they request in writing that suspect not be prosecuted, refused to testify, committed perjury, or did not respond completely and truthfully for requests for information.

Sexual Assault

A victim of domestic violence shall not be found uncooperative:

- for delayed reporting; or
- failing to file a police report

Involvement

An application may be denied, in whole or in part, because of the nature of the victim's involvement in the events leading to the crime. Factors to be considered:

- the victim initiated the crime or provoked or aggravated the suspect into initiating the crime;
- the crime was a reasonably foreseeable consequence of the conduct of the victim; and
- the victim committed a crime that reasonably led to their victimization.

Involvement: Mitigating Factors

- Injuries were significantly more serious than reasonably could have been expected based on the victim's level of involvement.
- A third-party interfered in a manner not reasonably foreseeable.
- Victim's age, physical condition, psychological state, and compelling health and safety concerns.
- For derivative and minor victims CalVCB also considers reasonable fear of retaliation.

Domestic Violence and Sexual Assault

A victim shall not be involved if the victim's injury or death occurred as a direct result of a crime committed in violation of:

- Domestic Violence - Penal Code § 273.5
- Rape - Penal Code § 261
- Spousal Rape - Penal Code § 262
- Statutory Rape - Penal Code § 261.5 (d)

DUI Driver

A victim who was the driver may be found to be involved if:

- the driver was under the influence of alcohol or drugs;
- cited or arrested by law enforcement based on the events leading to the qualifying crime; or
- the primary cause of the vehicle collision.

DUI Passenger

A victim who was the passenger in the vehicle driven by a person under the influence of alcohol or drugs may be found to be involved if the victim knew or reasonably should have known that the driver was under the influence.

Involvement shall not apply if the victim is under the age of 14; under the age of 18 and the driver was a parent; or the benefits requested are solely for funeral/burial expenses.

Mutual Combat

Factors to be considered:

- implicit or explicit agreement to fight;
- victim made a deliberate threat;
- victim engaged in conduct indicating the intention of carrying out a deliberate threat;
- deliberate conduct of victim reasonably provoked the other party into starting a physical altercation;
or
- victim initiated a physical altercation.

Illegal Drug Activity

Factors to be considered:

- victim involved in an illegal drug transaction at the time of the crime; or
- victimized as a result of involvement in a prior illegal drug transaction.

Gang Activity

Involvement may be found if the victim was injured as a result of gang activity or prior gang activity in which the victim participated. Gang activity includes:

- initiation, retaliation, fighting, or intentionally provoked gang-related activity.
- membership alone is insufficient to find involvement in the events leading to the crime.

Contact Information

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