

Navajo County Crime Victim Compensation

Administered by the Arizona Criminal Justice Commission (ACJC)

Presentation by Roxanne Pergeson

Navajo County Attorney's Office

Victim Service's Director

Navajo County Crime Victim Compensation Coordinator



What is Crime Victim Compensation

- Provides financial assistance to crime victims
 - Covers expenses of physical harm, mental distress, and/or economic loss from victimization
 - Does not require apprehension or conviction of offender
 - The payer of last resort



Background

- First compensation program in U.S. began in 1965 (California)
- Federal grants to states began in 1986 under the Victims of Crime Act
- Each state has a compensation program
- Arizona's program began in 1986
- Administered by the Arizona Criminal Justice Commission (ACJC)
- Arizona is a decentralized program
 - Each county has a compensation board
 - Award decisions made at the local level
- The County Attorney's Office manages this program for their county
- Funds are available to help any victim of a reported crime in that count
- Including victims of crime on tribal land



The Role of ACJC

- Designation of operational units
- Distribution of Federal and State funds
- Approves program rule changes
- Collects program data (stats and expenditures)
- Completes annual and federal program reports
- Ensures compliance with federal and state statute and Arizona Administrative Code
- Provides training, oversight, and guidance to programs



The Role of County Coordinators

- Investigates claim and collects supporting documentation
 - Completed application
 - Police Report
 - Bills/Invoices
- Prepares for and conducts board meetings
- Serves as point of contact for victim
- Make emergency awards
- Manages cash flow
- Reports quarterly to ACJC



Fund Sources

- Federal Sources
 - Crime Victims Fund
 - Federal Government grant monies
 - Victims of Crime Act of 1984
 - Criminal fines and fees
 - Makes up about 1/3 of the program size
- State Sources
 - Penalty Assessment
 - Inmate work fees
 - Unclaimed restitution
- Other Sources
 - Restitution/Subrogation
 - Donations
 - Clerk of the Court interest monies



Who is Eligible?

- Victim of crime under Arizona or Federal Law
- Report the crime within 72 hours
 - This requirement may be waived by the Board
- Cooperate with law enforcement
- Apply within 2 years of the crime
 - This requirement may be waved by the Board
- Suffer economic loss not covered by a “collateral source”
- No contribution to victimization
- Victims need not to be residents of Arizona to apply
- Arizona residents victimized abroad
- The victim or a derivative victim(s) suffered from physical injury, a medical condition, extreme mental distress, or death as a direct result of the criminally injurious conduct.
- The victim or derivative victim(s) incurred economic loss as a direct result of the crime, and that loss is not covered by a benefit or advantage that the person is entitled to receive from a collateral source.
- The victim or derivative victim(s) cannot have a delinquent fine or fee or active warrants in the State of Arizona.



Who is Ineligible

- Victims or claimant's delinquent in paying a fine, monetary penalty, or restitution
- The perpetrator, accomplice, or a person who participated in the crime in any way
- Persons who are serving a sentence of imprisonment in, or have escaped imprisonment from, a detention facility, home arrest or work furlough
- Persons who refuse to cooperate with law enforcement (unless a substantial health or safety risk is present)
- Persons wanted in Arizona on an active warrant



Examples of Collateral Sources

- Perpetrator or 3rd Party responsible for perpetrator's actions
- Government programs
 - Social Security, Medicare, AHCCCS, Worker's compensation
- Employer wage continuation programs
- Insurance proceeds
- Donations
 - Includes "Go Fund Me"



What Does Victim Compensation Pay For?

- Medical costs
- Funeral costs – up to \$10,000
- Counseling – up to \$5,000
- Wage loss – various levels of coverage, based on minimum wage rate
- Crime scene clean up of a residence – up to \$2,000
- Transportation costs – up to \$2,000
- Maximum award for any one claim is \$25,000



Crime Scene Clean-Up

- **Maximum benefit is \$2,000.00 for professional service provider**
- **\$500.00 for non-professional**
 - Can cover emergency repairs to doors, locks or windows.
- **Back-up Documentation:**
 - Copies of itemized bills and invoices; do not approve payment based on estimates or quotes
 - Follow up with providers to verify availability of collateral sources, verify remaining balances, and negotiate costs
- **Primary Collateral Sources:**
 - Homeowners or renters' insurance
 - Donations for cleanup expenses



Funeral

- **Maximum benefit is \$10,000**
 - Expenses must be reasonable and customary
- **Back-up Documentation:**
 - Copies of itemized bills and invoices; do not approve payment based on estimates or quotes
 - Follow up with providers to verify availability of collateral sources, verify remaining balances, and negotiate costs
- **Primary Collateral Sources:**
 - Life insurance
 - Donations
 - Funeral insurance



Medical/Dental

- **Maximum benefit is \$25,000**
 - Can cover glasses
- **Back-up Documentation:**
 - Copies of itemized bills and invoices; do not approve payment based on estimates or quotes
 - Follow up with providers to verify availability of collateral sources, verify remaining balances, and negotiate costs
- **Primary Collateral Sources:**
 - Health/Dental insurance
 - Donations



Mental Health

- **Maximum benefit is \$5,000**
 - Covers traditional healing
- **Back-up Documentation:**
 - Copies of itemized bills and invoices; do not approve payment based on estimates or quotes
 - Mental health treatment plan
 - Follow up with providers to verify availability of collateral sources, verify remaining balances, and negotiate costs
- **Primary Collateral Sources:**
 - Health/Dental insurance
 - Donations



Lost Wages

Maximum Payout \$25,000



Subtypes

- Inability to Work,
- Attending Appointments,
- Attending Court
- Loss of support
- Bereavement
- Transportation of a Minor Victim
- Non-skilled nursing care

Collateral Sources

- Sick/vacation leave
- Insurance policy with a work loss benefit
- Donations (sick/vacation leave)
- Disability Insurance
- Social Security/Disability Payments
- Social Security Survivor Benefits

Back-up Documentation

- Unable to Work: A letter from a counselor or medical provider verifying the V is unable to work due to a physical injury, medical condition, or mental distress resulting from the criminally injurious conduct
- Attending Medical/Mental Health Appointments: Letter or
- invoice from the counselor or medical provider verifying the V or DRV attended an appointment on the date(s) for which work loss is being claimed
- Attending Court: Documentation from the court confirming a proceeding related to the criminally injurious conduct on the date(s) of work loss
- Loss of Support: Documentation verifying the victim's death resulted in a loss of support to the DRV
- Non-Skilled Nursing Care: Documentation from a medical provider that the V needs at home non-skilled nursing care

Travel



Maximum Payout \$2000

Subtypes

- Attending Court
- Medical appointments
- Mental Health appointments
- Safety

Reimbursement only

Collateral Sources

- Prosecuting attorney if the victim is appearing in court at the request of the prosecution
- Arizona Coalition for Victim Services Relocation Project

Back-up Documentation

- Mileage calculation or fare receipts
- Letter or invoice from the counselor or medical provider verifying the V or DRV attended a medical or mental health appointment on the date or dates for which transportation costs are being claimed.
- Documentation from the court confirming a proceeding related to the criminally injurious conduct on the date or dates for which transportation costs are being claimed.
- Documentation from the provider stating the forensic exam or interview was related to criminally injurious conduct, and the exam or interview was on the date for which transportation costs are being claimed
- A police report or an order of protection

Costs Not Covered

- Property Loss or repair
- Pain and suffering
- Attorney fees



How we process an application

HOW DO I APPLY?



Claim Process

- Completed application submitted to program
 - Apply online: <https://acjc.hostedbykarpel.com/>
 - Contact an advocate for assistance
- Program investigates/substantiates claim
 - Performs a fine/warrant check
 - Obtains a copy of a police report
 - Victims submit bills/receipts
- Forward to the board for consideration
 - Board must hear claim within 60 days
 - Board approves/denies claim
- Approved awards are paid to claimant or provider
- Denials/reductions sent certified mail
- Claimant can request a rehearing of a board decision within 30 days



The Application

- What information do we ask for?
 - About the victim
 - About the claimant (if not the victim)
 - About the crime
 - About the civil lawsuit
 - About benefits from collateral sources
 - About the economic loss
 - Certifying signature
 - Authorize releases – confidential information & protected health information



Navajo County Victim Compensation Board

How it works



Navajo County Victim Compensation Board



Tim Livingston



Charlotte Hatch



Cynthia Stuart



James Hudspeth



Roxanne Pergeson
Compensation Coordinator



Taylor Hatch

The Role of Board Members

- Board members are volunteers from the community
- Makes final determination on claim eligibility, payment amount, and terms of award
- Determine good cause exceptions for reporting, cooperation, application, or counseling
- Determines the extent of contributory conduct
- Approves, reduces or denies all eligible claims
- Preside over appeals



Decisions Boards Can Make

- Approve a claim in full
- Deny a claim
- Approve a claim at a reduced amount
- Table a claim until a future meeting
- If there are insufficient funds in program the Board may:
 - Deny the claim
 - Make partial award and reconsider later during the fiscal year
 - Extend the claim into subsequent fiscal year



Board Meetings

- Public meetings
- Are held on a Tuesday at 10:30 AM.
- Holbrook FAC/Victim Services Department- 121 W. Buffalo St. Holbrook, AZ 86025
- There must be a minimum of 3 board members to ensure a quorum.
- Board reviews a financial report
- Reviews minutes from the previous meeting
- Reviews claim summary
- Reviews expenses
- Approves, Denys or tables the claim



APPROVED

- Process a demand within 3 days of meeting
- Notification mailed to victim within 10 days of meeting
- If payment is for a provider, the victim will receive a copy of the letter mailed to provider
- Claims without expenses go to board for eligibility



DENIED

- Notification mailed to victim within 10 days of meeting
 - Sent certified mail
- The victim will receive information on how they can appeal the Boards decision
- The first appeal is a re-review by the Board
 - Can provide additional information for the Board to review
- If the Board upholds their decision for the denial the victim can appeal directly to Arizona Criminal Justice Commission



Rehearing a Claim

- Claimant must request a rehearing within 30 days after the Board serves notice of the decision
- The appeal request must be in writing
- An appeal may be granted for:
 - Irregularity in the proceedings or abuse of discretion that deprives claimant of fair decision
 - Misconduct on part of Board or program staff
 - Newly discovered material evidence
 - Error in admission/rejection of evidence other than error of law
 - Decision not justified by the evidence or is contrary to law



State-Level Claim Review

- Claimant must request a state-level claim review within 30 days
- The request must be submitted to writing to ACJC
- No new or additional information may be presented
- Claimant will be notified of the panel's decision within 10 days following the meeting



Contact Information

Navajo County Attorney's Office

PO Box 668

Holbrook, AZ 86025

928-524-4026

<https://www.navajocountyaz.gov/Departments/County-Attorney>

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