

TRAUMA, DIGNITY, AND RESTORATION

How the State of Illinois' Crime Victim
Compensation Program Can Help Heal
Crime Survivors and Communities



**ADVOCATES AND SURVIVORS
FOR CRIME VICTIM
COMPENSATION REFORM**

ABOUT “ADVOCATES AND SURVIVORS FOR CRIME VICTIM COMPENSATION REFORM”



Advocates and Survivors for Crime Victim Compensation Reform is a working group of domestic violence and street violence organizations listed below. With funding from the Michael Reese Health Trust and Chicago CRED, we came together in May 2019 because we believe that improving Illinois’ Crime Victim Compensation program could help heal crime survivors and interrupt the cycles of violence that are concentrated in homes and communities throughout the state.

Advocate Trauma Recovery Center

Apna Ghar, Inc.

Chicago CRED

Communities Partnering 4 Peace (CP4P)

Darren B. Easterling Center for Restorative Practices

Illinois Coalition Against Domestic Violence

Institute for Nonviolence Chicago

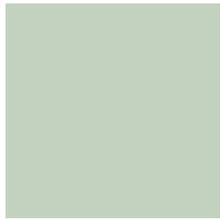
Metropolitan Family Services

Michael Reese Health Trust

Mothers Ona Mission28

Precious Blood Ministry of Reconciliation

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EXECUTIVE SUMMARY

Illinois' Crime Victim Compensation program has the potential to be one of the state's most powerful and cost-effective tools to help meet the needs of crime survivors.¹ Supported through a mixture of state and federal funds, Compensation programs exist in all 50 states and United States' territories. Illinois' program is jointly administered by the Office of the Attorney General and the Court of Claims in the Secretary of State's Office. As mandated by state and federal law, the program is intended to reimburse survivors of violent crime for a wide range of costs related to their victimization, including medical and mental health services, lost wages, and funeral expenses.² Research suggests that if Compensation helped crime survivors address their immediate financial needs, it could decrease the likelihood that they would later develop more long-term conditions like Post Traumatic Stress Disorder.³ As research also shows that the effects of victimization can put people at higher risk for future victimization, Compensation assistance could help reduce violence by removing crime survivors from the cycles of harm in which they sometimes find themselves, including criminal justice involvement.⁴

Despite its great promise, research indicates that Illinois' Crime Victim Compensation program struggles to serve crime survivors. While it is difficult to precisely measure crime survivors' use of victim services, national estimates based on official data recently reported to the U.S. Department of Justice indicate that only six out of every 100 serious violent crimes reported to law enforcement in Illinois result in a Crime Victim Compensation application, which is among the lowest rates in the country.⁵ According to Compensation administrators, the application process can take as long as two years to complete, which is far too long to meet survivors' immediate needs.⁶ And many of the laws, policies, and practices that structure the program's services work in ways that exclude the state's most vulnerable and

victimized populations, including young men of color, immigrants, survivors of domestic violence, and justice-involved people.

This report is the product of a small working group of policy advocates, funders, and street violence and domestic violence organizations. We came together because we believe that if Illinois' Crime Victim Compensation program implemented key changes, most of which have been recommended by the U.S. Department of Justice's Office for Victims of Crime, it could substantially improve the assistance it provides to crime survivors. More fundamentally, we were inspired by the vision of Illinois' Attorney General Kwame Raoul. Since he was sworn into office in January 2019, Attorney General Raoul has emphasized the need not simply to improve Illinois' Crime Victim Compensation's current program, but also to ensure that his office administers trauma-informed and culturally-competent services that "reach all survivors," "no matter what they look like, what they may have done."⁷ We believe Attorney General Raoul's vision and leadership represents a unique opportunity for Illinois to remove the obstacles that deny many of the most victimized and least served people in our state from receiving the care they need to heal. Through a commitment to reach and heal all survivors, Illinois' Crime Victim Compensation program can help interrupt the cycles of violence that are concentrated in homes and communities throughout the state. In so doing, the program can cultivate the essential trust we all need in government for it to be effective, which crime and unaddressed trauma can fracture and destroy.

GUIDING PRINCIPLES

This report argues that changes to Illinois Crime Victim Compensation must be centered around

guiding principles that seek to heal all crime survivors.

- 1 Just as medicine is committed to doing no harm to patients, government should seek to avoid exacerbating crime survivors' injuries and trauma.
- 2 All crime survivors should be treated with compassion and respect for their dignity.
- 3 Victim services should seek to assist crime survivors without regard to what they have done or the relationship to the people who have harmed them.
- 4 Government should seek to recognize and preserve crime survivors' ability to make informed choices for themselves, particularly in regard to how they participate in the criminal justice system.
- 5 Government leaders, administrators, and staff should seek to listen to and address the issues of crime survivors, as well as seek to understand and address the issues their communities face that contribute to victimization.
- 6 Government-funded programs for crime survivors should seek to be part of a community-based, comprehensive system of coordinated care and be crafted in partnership with people and communities most impacted by crime and violence.
- 7 Government-funded programs should seek to respect crime survivors' culture, family structure, sexual orientation, gender identity, race, and ethnicity.
- 8 Government should seek to provide the resources and training its staff need to deliver victim-centered, trauma-informed, and culturally-competent services to crime survivors.
- 9 Law enforcement should seek to earn the trust of the people and the communities it serves.

RECOMMENDATIONS

Grounded in these guiding principles, this report proposes the recommended changes below to Illinois' Crime Victim Compensation Program. Most of these recommendations come from the U.S. Department of Justice's Office for Victims of Crime, which is the federal granting agency that administers the Victims of Crime Act Compensation award that

supports Illinois' program. The recommendations note relevant comparisons to other state programs. A more complete description of how Illinois compares to state programs across the country can be found in the National Immigrant Women's Advocacy Project's 2017 report, "Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence—Medical Coverage and Services for Immigrants" and the Research & Evaluation Center at John Jay College of Criminal Justice's 2014 report "Compensating Victims of Crimes."⁸ The list of recommendations begins with proposed reforms to policy and practice, as many of the most important changes to Compensation can be accomplished through administrative means. Next, the list details proposed changes to Illinois' Compensation's enabling statute. Finally, the list proposes recommendations to non-governmental agencies that serve crime survivors.

RECOMMENDATIONS TO ILLINOIS' CRIME VICTIM COMPENSATION'S ADMINISTRATION

- 1 Create an advisory council of crime survivors with representation of people most impacted by violence and essential stakeholders, including providers, advocates, and mental health professionals, to provide ongoing oversight, feedback, and strategic guidance for Illinois' Crime Victim Compensation program.⁹
- 2 Partner with the advisory council to articulate victim-centered goals, objectives, and effective strategies that will help Illinois' Crime Victim Compensation program provide accountable services to all crime survivors in an expeditious manner.¹⁰
- 3 Ensure that emergency awards are processed within 24 hours.¹¹
- 4 Resolve non-emergency claims within at least 90 calendar days.¹²
- 5 Create a separate process to help crime survivors pay for funerals. This process should be focused particularly in communities where survivors of gun violence need Crime Victim Compensation to help pay for funeral and burial expenses.
- 6 Simplify and streamline the application process. Following states like Pennsylvania and California, explore implementing an

online application platform, which can enable applicants to submit and track their claims.¹³

- 7 Ensure that application materials and assistance are accessible to non-English speaking crime survivors and survivors with limited literacy proficiency.
- 8 Partner with immigrant organizations to provide immigrant crime survivors with emotional support in a culturally sensitive way as they navigate complicated systems and institutions. This support is essential to address the anxiety and hesitation immigrant victims experience as they operate in a new context with limited language ability.
- 9 Partner with the Illinois Criminal Justice Information Authority, the executive state agency that administers the federal Victims of Crime Act Assistance Award, to ensure that victim assistance funding is integrated with Compensation.
- 10 Work with the Illinois Criminal Justice Information Authority to use Victims of Crime Act Assistance to fund advocates to help crime survivors apply for and navigate the Compensation process, focusing especially on community-based organizations that can provide culturally-competent services to underserved populations.
- 11 Partner with the Illinois Criminal Justice Information Authority to explore how Victims of Crime Act funding can support staff in the Attorney General's Office to provide crime survivors with "services that extend beyond the essential duties of the staff administering the compensation program," including "crisis intervention; counseling; and providing information, referrals, and follow-up for crime victims."¹⁴
- 12 "Coordinate with victim assistance programs to develop an effective community outreach strategy to increase public awareness about the purpose and availability of crime victim compensation. This strategy should include extensive outreach efforts to ensure that all survivors, regardless of their race," ethnicity, gender identity, sexual orientation, disability, "culture, or language, have knowledge of and access to compensation program benefits," with a focus on local-level engagement and a commitment to

meet crime survivors where they are.¹⁵

- 13 "Establish multidisciplinary cross-training programs to ensure that victim advocates, allied professionals, and law enforcement are fully informed of the scope of compensation programs," trained in the effects of trauma and implicit bias, "and that compensation professionals are kept up to date on the services to" survivors who need them the most in part through having regular formal and informal opportunities to receive feedback from survivors.¹⁶
- 14 Evaluate through an independent third-party researcher whether: "(1) there are barriers to compensation that should be removed, (2) the program's outreach efforts are effective, (3) the services provided are effective, (4) the scope of victims that qualify for compensation is broad enough, (5) claims are processed as efficiently as possible [and the program's policies are followed consistently], (6) available benefits for mental health treatment are sufficient, and (7) reasons for denial of compensation claims" are disparately influenced by race, ethnicity, gender, and other demographic factors to ensure decisions are consistent with the program's goal of serving all crime survivors.¹⁷

RECOMMENDED CHANGES TO ILLINOIS' CRIME VICTIM COMPENSATION'S ENABLING STATUTE

- 15 Replace the prohibition against contributory harm with a presumption that all crime survivors should be eligible for assistance unless there is clear and convincing evidence that providing them relief will lead to unjust enrichment, as required by the Victims of Crime Act.
- 16 Remove the statutory prohibition that bars people under community correctional supervision from receiving Compensation assistance. Illinois is one of only 12 states that excludes people from compensation due to their conviction record or status on supervision.¹⁸
- 17 Expand the types of crime survivors eligible to receive counseling benefits, loss of work, childcare, replacement of services, and transportation.¹⁹

- 18** Increase medical and dental benefits to treat physical injury.²⁰ Many states provide increased limits for catastrophic injury, and some states, like New York, remove limits for these kinds of cases.
- 19** Eliminate restrictive statutory reporting requirements and permit crime survivors to report the crime within a reasonable period of time and to other entities and parties than law enforcement, such as victim service providers, social workers, school officials, clergy/religious leaders.²¹
- 20** Eliminate application filing restrictions.²²
- 21** Maximize victims' ability to recover losses and cover expenses.²³

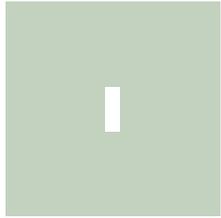
RECOMMENDATIONS TO PROVIDERS THAT SERVE CRIME SURVIVORS

- 22** Partner with Illinois Crime Victim Compensation's program to help ensure that outreach and assistance meet crime survivors where they are and deliver Compensation services in culturally competent and trauma informed ways.²⁴
- 23** Explore ways to deliver funeral services in communities that suffer from high rates of gun violence through a community-based model, coupling them with other services survivors might need, such as therapy and counseling, violence prevention and intervention, and restorative justice.



Dolores Castaneda, Survivor





INTRODUCTION: “WE NEED TO REACH ALL SURVIVORS”

This report is the product of a small working group of policy advocates, funders, and street violence and domestic violence organizations. We came together because we believe that Illinois’ Crime Victim Compensation program could help interrupt the cycles of violence that are concentrated in homes and communities throughout the state if it did a better job providing assistance to all crime survivors. We researched Compensation from both an Illinois and a national perspective. We talked with researchers and policy experts, and we interviewed crime survivors and the advocates and providers who serve them.²⁵ We also had an open and candid dialogue with the Attorney General’s Office. A few months after he was inaugurated, Attorney General Kwame Raoul spoke to a gathering of crime survivors at the State’s capitol, telling them: “I have to have my office look in the mirror as to how we can improve how we administer crime victim assistance . . . in a culturally sensitive way that reaches all survivors, no matter what they look like, what they may have done, we need to reach all survivors[.]”²⁶ In our work, we have seen this commitment from Attorney General Raoul and his staff. And we are excited to see this collaboration strengthened and expanded to crime survivors, advocates, and providers from across the state.

The text below contains our analysis of and recommendations on how to improve Illinois’ Crime Victim Compensation program. While we talked to stakeholders throughout the state, this work primarily grows out of the perspective of providers and crime survivors from the Chicago area. And while it therefore cannot address the precise needs of different victim groups, we hope it speaks to how our government should respond to victimization.

When people are victimized, they are not merely harmed in a physical or tangible way, but their dignity, and thus their sense of themselves as human

beings, is also attacked. Whatever form victimization takes—a physical assault, a shooting, an act of sexual violence—it always seeks to morally injure other people by treating them as if they were merely a means to an end, a thing to be exploited, an object to be dominated. Humiliation is the moral essence of victimization. Like a magnet, it attracts and attaches to other forms of degradation such as racism, misogyny, and xenophobia. The combined force of violence and humiliation can shake crime survivors’ expectation that other people will treat them like human beings. This experience can be traumatizing and overwhelm the essential trust people need to live in the world, replacing it with suspicion and fear. A 2016 national public opinion survey sponsored by the Alliance for Safety and Justice found that “victims are more likely than non-victims to feel unsafe in their communities[,]” and that [o]ne in four victims of violent crime feel unsafe in their neighborhood—nearly 2.5 times the number of non-victims.”²⁷ Research shows that this persistent sense of danger can diminish the quality of people’s lives and sometimes lead them to symptomatically engage in impulsive and destructive behavior.²⁸ It is not surprising that research has also found that past victimization is strongly associated with future victimization, and that while most victims do not become involved in the criminal justice system, most justice-involved people have histories of victimization.²⁹ The most victimized and underserved people in our society do not simply suffer from discrete acts of violence. For too many crime survivors, there is no end, no post to the traumatic stress they endure, but rather an ever-present reality of pain, loss, and moral injury felt at the individual and community level.

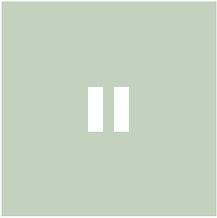
What can be done to help crime survivors and communities address this trauma? For too long, we have assumed that the criminal justice system provided the only real answer to this question. This

assumption has led us not only to over-rely on criminal justice agencies in ways that have undermined their effectiveness, particularly in communities that are most impacted by crime and violence. But it has also caused us to use a criminal justice framework to deliver treatment and victim services, conditioning access to assistance based on notions of innocence, guilt, and cooperation, rather than on what crime survivors need to heal. The criminal justice system plays an essential role in protecting public safety, but when its tools are used to provide victim services, they can reproduce victimization's moral injury by making crime survivors feel as if their worth is reduced to how the criminal justice system views and can use them. This points to the need not just to reform the laws, policies, and practices that determine how services are delivered to crime survivors, but also to reimagine government's relationship to the people it serves. The only way we can begin to repair the harm and trauma caused by crime and violence is through a fundamental commitment to restore and preserve the dignity of all crime survivors.



Gwen Baxter, Survivor (Image by Saddi Khali)





THE UNREALIZED PROMISE OF CRIME VICTIM COMPENSATION

The Illinois Crime Victim Compensation program has the potential to be one of the state's most powerful and cost-effective tools to help meet the needs of crime survivors, particularly the most victimized and underserved people. Supported through a mixture of state and federal funds, Compensation programs exist in all 50 states and United States' territories. Created in 1973, Illinois' program is jointly administered by the Office of the Attorney General and the Court of Claims in the Secretary of State's Office. As mandated by state and federal law, the program is intended to reimburse survivors of certain violent crimes for a wide range of costs related to their victimization, including medical and mental health services, lost wages, and funeral expenses. People must apply for reimbursement through the Attorney General's Office, which, according to state law, is responsible for "investigat[ing] all claims and prepa[ring] and present[ing] a report of each applicant's claim." Based on the Attorney General Office's review, the Court of Claims in the Secretary of State's Office is charged with ultimately approving or denying awards.³⁰

For many crime survivors, Compensation could be the only way they could afford to pay for services without being overwhelmed with debt. This assistance could not only help meet crime survivors' immediate needs, but it could also create opportunities for Compensation administrators to connect them to other resources they might need, like a community-based organization or support group. Compensation could thus help improve long-term individual and community-level outcomes. Research indicates that when crime survivors are able to pay for expenses that stem from their victimization, they are less likely to develop long-term conditions like depression or Post Traumatic Stress Disorder.³¹ And as Compensation is supported through a combination of federal and state funds, it could be a less expensive means for Illinois taxpayers to address issues that could

lead to shifting services and costs onto medical, mental health, and criminal justice systems that are fully funded by state and local revenue.

Providing services and assistance to crime survivors can also produce public safety benefits, as research shows that crime survivors are more likely to cooperate with law enforcement when their needs are met.³² Compensation could thus help law enforcement earn the trust of crime survivors, which would help them work with community members to solve open cases and stop the cycle of victimization. Indeed, through demonstrating government's fundamental commitment to assisting people at their worst and most vulnerable moments, Compensation could cultivate the essential trust we all need in government for it to be effective, which crime, violence, and unaddressed trauma can fracture and destroy.

Despite its potential strengths, Illinois' Compensation program has struggled to realize its promise. While it is difficult to precisely measure crime survivors' use of victim services, national estimates based on official data recently reported to the U.S. Department of Justice indicate that only six out of every 100 serious violent crimes reported to law enforcement in Illinois result in a Crime Victim Compensation application, which is among the lowest rates in the country.³³ This means that the overwhelming majority of crime survivors never even apply for assistance. A 2016 survey sponsored by the Illinois Criminal Justice Information Authority (ICJIA), the state's public safety research and grant-making agency, confirmed and deepened these national estimates. Its findings suggest that Illinois not only has an overall low application rate, but that this small fraction of crime survivors who apply for Compensation severely underrepresents the state's most victimized populations. While the survey found that most applicants were white, English-speaking men, research

consistently shows that young African American men who live in urban areas are at higher risk of violence than any other population in the United States, and that low income people, particularly people of color, are the least likely groups to have access to services.³⁴

This report examines the laws, policies, and practices that frustrate Compensation's ability to serve the state's most victimized populations, but first it is important to ask, why does such a small percentage of Illinois crime survivors, particularly people who would seem to be in the most need of services, not even apply for Compensation? On the surface, the answer to this question may seem to be that crime survivors simply lack a basic awareness of the program's existence. This is a longstanding finding of national research of Compensation programs, which is also supported by Illinois data.³⁵ Despite educational efforts by the Attorney General's Office, the Court of Claims, and local law enforcement and prosecutors, only 23 percent of victims of violent crime surveyed for ICJIA's sponsored survey, which was weighted regionally by population, were aware of Crime Victim Compensation.³⁶

While it is clear that Compensation could benefit from a more effective public education strategy, the stubborn fact that the very people who need these

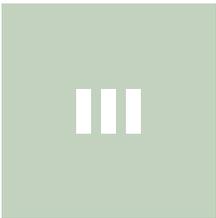
services the most are often not aware of them despite existing outreach efforts masks a more insidious problem. The issue is not just that crime survivors lack sufficient knowledge about what Compensation is and how it works, but rather that many crime survivors do not believe their government cares about them or their communities' wellbeing. This distrust informs how many crime survivors perceive all forms of government assistance. It often stems from people's specific interactions with government, but it is also rooted in a more general set of experiences. At all levels, government has a long history of not only failing to address the needs of victimized people, but also compounding the "concentrated disadvantage" that grows from and produces victimization at the community level, such as high rates of poverty, unemployment, racial and ethnic segregation, and a chronic lack of services.³⁷ This report is not the place to fully examine this history and how it has shaped people's relationship to government.³⁸ However, to understand why Compensation struggles to reach Illinois' most victimized and underserved people, and what must be done to improve access to its services, it is essential to have a general understanding of how the program grows out of these experiences.

ILLINOIS CRIME VICTIM COMPENSATION

Under current law, Illinois Crime Victim Compensation reimburses a wide range of expenses, and caps total compensation up to \$27,000 per-victimization, including the following:

- Medical and hospital expenses
- Counseling and psychiatric care
- Transportation to and from medical and/or mental health appointments
- Prosthetics, eyeglasses, and/or hearing aids necessary as a result of or damaged by the victimization
- Tattoo removal for victims of trafficking
- Replacement costs for clothing and bedding used as evidence
- Temporary lodging or relocation expenses, included but not limited to first months rent and security deposit;
- Locks or windows needed or damaged as a result of the victimization;
- Equipment for accessibility or to make a dwelling accessible (e.g. wheelchair);
- Crime scene cleanup expenses
- Replacement services loss for victims and/or dependents (maximum of \$1,250/month)
- Loss of tuition
- Loss of earnings including future earnings (maximum \$1,250/month)
- Loss of support for dependents of victims (maximum \$1,250/month)
- Funeral and burial expenses (maximum \$7,500)

Source: Illinois Crime Victims Compensation Act, 740 ILCS 45



CAUGHT BETWEEN TWO WORLDS: HOW THE HISTORY OF CRIMINAL JUSTICE AND INCARCERATION POLICY INFORMS CRIME VICTIM COMPENSATION

While the tradition of compensating victims is rooted in ancient times, Compensation programs are a relatively recent development in the United States.³⁹ The nation's first Compensation program was created by California in 1965. From the late 1960s through the late 1970s, most states adopted similar programs, including Illinois. In 1984, Compensation became part of the nation's response to crime when the Victims of Crime Act (VOCA) was enacted, which established the Office of Victims of Crime (OVC) within the U.S. Department of Justice.⁴⁰ Among other things, VOCA tasked OVC with administering two victim service formula awards: VOCA Grant Assistance, which supports a wide range of state and local victim service programs, and VOCA Compensation, which provides matching federal funds for all state Compensation programs that comply with a basic set of requirements.

As Compensation programs were being implemented across the country, the American criminal justice system and the politics of crime underwent a radical transformation. For most of the 20th century, there was a general consensus among researchers, policymakers, and clinicians that crime and violence were products of psychological and social factors and should therefore be addressed through rehabilitative treatment, economic development, and social justice.⁴¹ But in the late 1960s and early-to-middle 1970s, just as the first Compensation programs along with victim services more generally were being designed and implemented, this consensus broke down and was replaced by a new punitive framework. This new

framework not only saw punishment, particularly incarceration, as the most effective response to crime, violence, and victimization, but it also repudiated the country's prior social justice consensus, seeing its attempts to rehabilitate and treat justice-involved people as a misguided practice that excused and encouraged criminal behavior. Scholars point to several factors that brought about this rupture—the discovery of tough-on-crime politics; the dismantling of legal segregation that was replaced by new forms of racial oppression; the belief that nothing could work to rehabilitate justice-involved people; a series of spikes in crime that began in the late 1960s, crested in the early 1990s, and have since largely subsided; and an overall increase in prison usage through changes in sentencing policy and prosecutorial practices.⁴² Whatever its precise cause, the result is undeniable. As the National Academy of Science has concluded, the country has “more than quadrupled” its rate of incarceration since the early 1970s, a growth that is “historically unprecedented and internationally unique,” which has made the U.S. penal population “the largest in the world.”⁴³

This overarching punitive framework redefined how state and local criminal justice systems responded to crime, but its harshest effects were never spread evenly across the country's population. From its beginning, the overuse of punishment has always narrowly focused on certain groups of people, particularly young men of color. According to the most recent data from the U.S. Census Bureau and the Illinois Department of Corrections, for instance, black people

make up 14.6 percent of the state's population, but they account for 56 percent of its prison population.⁴⁴ These numerical disparities are important to note because they help illustrate the disparate use of prison along racial lines, but in many ways they underestimate the larger impact our punitive framework has on families, communities, and Illinois' body politic. For example, while half of the people in the Illinois Department of Corrections consistently come from Cook County, research has shown that large swaths of the jurisdiction have relatively low rates of imprisonment, and that incarceration is instead severely concentrated "in a small band of communities on the west, far west, south, and far south sides of Chicago." These imprisoned communities share certain features.⁴⁵ Though they have relatively higher crime rates than most other communities in Chicago, crime rates by themselves do not account for their disproportionately high rates of incarceration. Instead, the overuse of incarceration tracks and combines with a confluence of other community-level disadvantages, including high rates of poverty, unemployment, family disruption, and racial segregation.⁴⁶

The punitive framework that emerged in the early 1970s can make it difficult to see crime's relationship to this kind of concentrated disadvantage, which points to what are, in many ways, its more harmful underlying assumptions. At a fundamental level, our punitive framework diminishes certain populations' humanity before anyone is even sentenced to prison. To view incarceration as the most effective response to crime depends on first seeing certain populations and communities that suffer from high rates of crime and other kinds of disadvantages not as victimized and traumatized people in need of compassion and services, but as places besieged by perpetrators who can only be controlled through jail, prison, and other coercive policies and practices. Furthermore, when we think about people and communities through this punitive framework, punishment can never seem to fail. Despite the unprecedented, persistent, and hyper-localized use of incarceration, only recently have some elected officials and policymakers begun to question whether our over-reliance on punishment is itself ineffective and may contribute to elevated levels of crime. In recent decades, most elected officials and policymakers have assumed that the answer to crime must always be that the coercive force of punishment has not been applied broadly, deeply, or targeted enough, and they have rarely asked whether elevated crime rates could have some relation to a chronic lack of services for crime survivors.⁴⁷

The recent history of our overuse of incarceration helps explain why people and communities that suffer from high rates of victimization and other associated disadvantages have good reason to be distrustful of government interventions and services. For it is a history that has compounded the concentrated disadvantage from which the most highly victimized people and communities suffer, as it has denied them the basic compassion and respect which they should be entitled to as human beings. This history also helps us understand why Compensation programs have always struggled to serve crime survivors. On the one hand, Compensation comes out of the country's earlier social justice consensus on how to best respond to crime and violence. In a 1976 critique of Illinois' new Compensation program, for example, here is how an Illinois legal scholar described "the most common underlying rationale upon which compensation programs have been based": "Just as modern democracy dictates public assistance for the disabled veteran, the sick, the unemployed, and the aged, so should public assistance be afforded to the suffering victims of crime. The argument rests not on any inherent obligation of the state but rather on the modern conscience."⁴⁸ On the other hand, Compensation programs like Illinois' grew up alongside the emerging punitive framework that saw punishment and incarceration as the best response to crime. As this report's concluding analysis argues, Compensation law and policy merged with many of this framework's features. This led Compensation to rely on criminal justice policies and practices that rejected its founding orientation. From its beginning, Compensation has been caught between these two worlds, one focused on social justice, the other on harsh and coercive forms of punishment, particularly incarceration. While the goals of social justice and punishment are not intrinsically mutually exclusive, the history of our overuse of incarceration was founded on the assumption that they were not only in essential conflict, but that the social justice foundation of programs like Compensation was part of the problem that severe forms of punishment like incarceration were designed to address. To improve Compensation's capacity to help Illinois' most victimized and underserved people, we must therefore not only reform the policies and practices that come from this history. More fundamentally, we must also reconcile the conflict the legacy of this history has covered up and re-center Compensation around what the criminal justice system needs to be effective and what crime survivors need to heal.



HOW CRIME VICTIM COMPENSATION CAN PROMOTE TRUST, HEALING, AND LEGITIMACY

To determine how Illinois' Compensation program can do a better job reaching all crime survivors, it is important to understand its relationship to the Victim of Crime Act (VOCA) Compensation program that is administered by the Office for Victims of Crime (OVC) in the U.S. Department of Justice. Every year, OVC "award[s] each eligible state victim compensation program an annual grant equal to 60 percent of the amount the program awarded in state-funded victim compensation payments during the fiscal year two years prior to the present fiscal year."⁴⁹ States have four years to spend their matching VOCA Compensation awards and can use up to five percent of the award for administrative expenses, such as staffing, training, and technological improvements. Unlike most state programs that rely on court fines and fees as their matching contribution for VOCA Compensation, Illinois uses an annual appropriation from the state's General Revenue Fund. This puts Illinois' program in a more secure position relative to other states. As arrests have declined across the country in recent years, programs that rely on criminal fines and fees have seen their state funds decrease, which will ultimately impact their ability to receive matching federal funds.⁵⁰ While Illinois' Compensation program was not funded with state dollars during the state's recent budget impasse, its reliance on general revenue provides stability that many other state programs lack. In a typical year, Illinois appropriates approximately \$6 million in general revenue, which it supplements with VOCA Compensation funds, to address the applications of approximately 3,500 people who apply for benefits.⁵¹

Just as Compensation programs are supported through a combination of federal and state funds, so their operations are likewise determined and influenced by a mixture of federal, state, and local level law,

policy, and practice. In administering Compensation programs, states must comply with federal rules to receive VOCA Compensation matching funds, but they can also add requirements and expand coverage, so long as these additions do not violate the minimum federal requirements. As a general matter, formula funds like VOCA Compensation tend to give states a great deal of flexibility in how they administer programs, and most restrictions come from state and local level law and policy, including how administrators interpret relevant federal rules.

To be eligible for matching federal funding, VOCA Compensation mandates that state programs must comply with some basic programmatic requirements. For the purposes of improving Compensation's ability to serve all crime survivors, the most important are the specific crimes and related expenses states must cover. While states have some discretion on how they define what constitutes "a victim or survivor of a violent crime," they must include in their definition victims of "drunk driving and domestic violence," and they must cover the following:

- "medical expenses attributable to a physical injury resulting from compensable crime including expenses for mental health counseling and care;"
- "loss of wages attributable to a physical injury resulting from a compensable crime; and
- "funeral expenses attributable to a death resulting from a compensable crime;"

Similarly, VOCA-Compensation-funded programs must

- "promote[] victim cooperation with the reasonable requests of law enforcement authorities;" [and]

ILLINOIS CRIME VICTIM COMPENSATION ELIGIBILITY REQUIREMENTS

Type

Eligibility Requirements

All victims

- Must notify law enforcement within 72 hours or within 7 days for sexual assaults.
- File application within 2 years of date of crime or 1 year of criminal charges filed, whichever is later.
- Cooperate with law enforcement.
- Cooperate with Attorney General's office.
- Did not contribute to their injury (engaging in wrongful acts, provoking the offender, or being accomplice).
- Cooperate with Attorney General's office.

The victim cannot be paid compensation until released from probation, parole, mandatory supervised release for a felony, or from correctional institution (but they may apply)

Domestic Violence Victims

- Must notify law enforcement OR obtain Order of Protection or Civil No Contact Order after the incident.

Sexual Assault Victims

- Must notify law enforcement OR obtain Order of Protection OR undergo sexual assault evidence collection exam within 7 days.

- make[] compensation awards to victims who are nonresidents of the State[s] on the basis of the same criteria used to make awards to victims who are residents of such State[s];

Significantly, VOCA-Compensation-funded programs must not

- “except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim’s familial relationship to the offender, or because of the sharing of a residence by the victim and the offender.”⁵²

If Illinois merely complied with these rules, which would make it eligible for matching federal funds, it would remove many of the obstacles in policy that crime survivors encounter when they apply for Compensation. While Illinois law adds some important additions to what the federal rules require, it constrains Compensation’s ability to serve crime survivors in three fundamental ways. First, its mandates go beyond what the federal rules require to “promote[] victim cooperation with the reasonable requests of law enforcement” and what research shows to be effective in cultivating trust. Second, it effectively bars many of the most victimized crime survivors from accessing benefits through a vague exclusion of people whose victimization can be attributed to their own conduct and a prohibition against serving people on probation and parole. And third, it creates an overly complex, confusing, and time-consuming process that is unworkable and often retraumatizing for many crime survivors, particularly for people who are impoverished and have varying degrees of literacy and English proficiency.

HELPING LAW ENFORCEMENT EARN THE TRUST OF THE PEOPLE IT SERVES

Although there are some exceptions built into state law, Illinois’ Compensation statute mandates that most crime survivors must comply with three basic requirements to receive assistance, with some exceptions for survivors of sexual assault and domestic violence that are noted in Table 2. First, applicants must generally report the crime to law enforcement within 72 hours, though sexual assault survivors are given seven days. Second, applicants must file a Compensation claim within two years after the occurrence of the crime. And finally, applicants must have “cooperated with law enforcement officials in

Source: Houston-Kolnik, J; Kirkner, A. *Financial Assistance for Illinois Crime Victims: Crime Victim Compensation Fund*. Illinois Criminal Justice Information Authority

the apprehension and prosecution of the assailant.” Among other things, these statutory requirements are used to satisfy VOCA’s rule that Compensation programs must “promote[] victim cooperation with the reasonable requests of law enforcement authorities.”⁵³ The underlying operational assumption behind Illinois’ reporting and filing requirements seems to be that law enforcement officials will be able to increase crime survivors’ willingness to work with them on open cases through rewarding them with Compensation services if they cooperate, and withholding them if they do not. The problem with these kinds of coercive requirements is that there is no evidence that shows they do anything to promote cooperation. Indeed, evaluations of the University of California San Francisco’s Trauma Recovery Center (UCSF TRC) suggest Illinois Compensation’s statutory regime is the opposite of what programs should do to promote cooperation between survivors and law enforcement. Rather than requiring crime survivors work with law enforcement to access assistance, the UCSF TRC provides comprehensive services to crime survivors regardless if they are currently cooperating with police or prosecutors. The program accepts all crime survivors, but it is designed specifically to serve the hardest to reach and most victimized people. Research has shown that this model not only produces better outcomes for this population, reducing symptoms like depression and PTSD more effectively than typical victim services, but it also leads to significantly higher rates of filing police reports and working with prosecutors. In analysis the UCSF TRC submitted to the California state legislature, it showed that 44 percent more crime survivors in the UCSF TRC group cooperated with prosecutors and 25 percent more cooperated with police when compared to crime survivors who received typical services. Not surprisingly, UCSF TRC clients are also significantly more likely to apply for Compensation. In the same

analysis quoted above, UCSF TRC clients were 30 to 40 percent more likely to apply for Compensation than crime survivors who received typical services.⁵⁴

Why does a program like the UCSF TRC produce higher rates of cooperation with law enforcement than the kinds of typical strategies like Illinois’ Compensation program uses? To begin with, in part because California law does not require crime survivors to file a police report in a precise time frame to be eligible for assistance, the UCSF TRC can focus more exclusively on first addressing their clients’ needs and helping them feel safe. Dr. Kim Miiller is the Director of the Advocate Trauma Recovery Center in Evergreen Park, Illinois. The program is a replication of the UCSF TRC and serves crime survivors from across Cook County. Dr. Miiller notes that “when people are dealing with the immediate aftermath of being victimized, they often won’t feel safe enough or have the bandwidth to think about something like reporting their crime to the police. Pressuring crime survivors to talk to police before they’re ready might make them more resistant to doing so not because they don’t want to, but because the effects of their trauma won’t let them.”

Just as crime survivors are often frightened and traumatized in the immediate aftermath of being victimized, it is also not unusual for victimized people to be generally suspicious and even afraid of law enforcement. In some cases, this fear is based on the reality that working with law enforcement can actually endanger crime survivors and their loved one’s safety. Domestic violence often presents crime survivors with similar impossible situations, where victims desperately want the violence to stop, but do not necessarily want their abusers to be arrested or jailed, which might leave them without financial support, their children without a parent, or put them at increased risk for violence when the people who



Pressuring crime survivors to talk to police before they’re ready might make them more resistant to doing so not because they don’t want to, but because the effects of their trauma won’t let them.

— DR. KIM MIILLER, EXECUTIVE DIRECTOR AT THE
ADVOCATE TRAUMA RECOVERY CENTER

abused them are inevitably released. VOCA requires that state programs “promote” cooperation with the “reasonable requests of law enforcement.” But is it reasonable to coerce crime survivors to work with law enforcement through withholding available Compensation for services they need to be safe and to heal? Perhaps one might argue that despite all of this, Illinois needs to use these coercive tactics to protect a greater number of people and communities from harm by helping law enforcement solve open cases. But there is no evidence that indicates that Compensation’s cooperation requirements work this way. Instead, the requirements seem more likely to exacerbate the distrust many of the most victimized people already feel toward government. The crime survivors, providers, and advocates interviewed for this report who have experience with Compensation all believed that law enforcement used its cooperation requirements as a way to justify rewarding people they liked and punishing people they did not. Regardless of how widespread this practice actually may be, the fact people believe Compensation works this way can reinforce many crime survivors’ negative perceptions of government, promoting not cooperation with law enforcement as VOCA requires, but cynicism and resentment.

This points to a more fundamental issue with Illinois’ cooperation requirements. Similar to how the overuse of incarceration assumes that certain populations and communities can only be controlled through harsh forms of punishment, Illinois’ statutory cooperation requirements assume that crime survivors must be coerced into working with law enforcement because they do not want the people who harmed them to be held accountable. These assumptions are false, dehumanizing, and lead to inherently flawed policies and practices. Dr. Kathryn Bocanegra is a researcher and clinician who has spent her entire career working with highly victimized and underserved people in Chicago’s west and south sides. “In my work, I have never met anyone who has been victimized who didn’t want someone to help them and hold the person who hurt them accountable,” notes Dr. Bocanegra. “When people are victimized, they’re scared, they don’t want the person who hurt them or their loved one to hurt someone else.” The problem is not that most crime survivors do not want to work with law enforcement. The problem is that the punitive framework that defines our response to crime cannot provide many crime survivors with what all human beings want and need, which is safety and justice.

The reliance on this punitive framework causes Illinois’



The first time I heard about Crime Victim Compensation was after my son was murdered. It was soon after I identified his body. The police officer was telling me what he knew about my son’s death; that he was involved in some kind of drug deal. He then said, I wouldn’t be able to get any Compensation because of what happened and that he had a record.

At the time, I wasn’t sure what this meant. A little later, I was asked if my son had insurance to pay for his funeral. He didn’t. I had never had to bury anyone before and didn’t know what I was going to do. I then realized that Compensation could have helped me. Fortunately, my church helped my family. They raised the money we needed and guided us through the whole process. I don’t know what I would have done without them.

Looking back, I didn’t realize how unsupported I was by my government. I felt like I should have been treated like I’ve lost my son. Someone from the police or our government should have said that they were sorry about what happened. Instead, the impression I got was that my family didn’t matter, and that no one thought my baby was worthy of being missed.

— **LISA DANIELS, FOUNDER OF THE
DARREN B. EASTERLING CENTER
FOR RESTORATIVE PRACTICES**

Compensation program to depend on a similarly flawed understanding of trust. Illinois' Compensation requirements assume that people can be coerced into cooperating with law enforcement. Research shows that the trust needed to promote cooperation cannot be forced upon people, but must be earned.⁵⁵ While it is critical for police to receive timely information from victims and witnesses, it is also essential that laws, policies, and practices reflect what research and science teaches us about trust and how trauma can affect crime survivors' ability to work with law enforcement. As evaluations of the UCSF TRC show, the most effective way to promote the reasonable requests of law enforcement would be as a matter of law and policy to meet crime survivors where they are, providing them with the services and care they need to heal. An important first step for Illinois here would be to support and expand programs like the TRC and implement one of the key recommendations OVC made in its 1998 report, *New Directions from the Field*, which urges states to "eliminate restrictive statutory reporting requirements and permit victims to report the crime within a reasonable period of time and to agencies other than law enforcement."⁵⁶

SERVING ALL CRIME SURVIVORS

Illinois law mandates a "person is entitled to compensation . . . if . . . [t]he injury to or death of the victim was not substantially attributable to his own wrongful act and was not substantially provoked by the victim."⁵⁷ Most Compensation programs have similar provisions that prohibit or diminish the ability of people who have engaged in what is typically described as "contributory misconduct" from receiving services. Illinois is also part of a small group of states that restricts Compensation eligibility based on whether crime survivors are under community correctional supervision for a felony conviction.⁵⁸ Based on these statutory restrictions, Illinois Compensation program's outreach emphasizes its assistance is only for "innocent victims."⁵⁹ Just as our punitive framework leads us to disproportionately use incarceration and punishment on certain populations, particularly young men of color and poor minority communities, so the underlying logic of these restrictions creates two kinds of crime survivors: those who are worthy of services and those who are not.

Perhaps it may seem just to ensure that only innocent victims receive Compensation benefits. But in practice, this exclusion is extraordinarily vague, and

as research into implicit bias indicates, it invites discriminatory and unjust applications.⁶⁰ This kind of harmful decision making is precisely what VOCA's rules were intended to help programs avoid. The only place where VOCA Compensation speaks to the significance of crime survivor's culpability is when it states that programs cannot deny Compensation to someone based on the "victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender."⁶¹ This specific provision is focused explicitly on cases of domestic violence. It was written to counteract states that had effectively barred domestic violence survivors from receiving assistance. As Compensation programs were being implemented across the country in the 1970s, many policymakers believed that domestic violence survivors were fraudulently enriching themselves and thus prohibited them from receiving services if they had a sexual relationship or shared a residence with the person who abused them. By disentangling domestic violence from unjust enrichment, VOCA was trying to encourage programs to serve survivors of domestic violence. While this rule was important in its time, research indicates that domestic violence survivors "continue to be underrepresented in [Compensation] programs."⁶² This suggests that VOCA's rule did not go far enough in encouraging states to move away from delivering services through a framework of innocence and guilt. In many kinds of victimization, the lives of crime survivors and the people who harm them are interwoven in subtle and complex ways. This mixture is not an aberration, but often an intrinsic aspect of victimization, particularly in forms of interpersonal violence. Concepts like innocence and guilt are important in a criminal justice context, but they lose their grounding and relevance in our efforts to understand what we need to do to reduce victimization and help crime survivors heal from their injuries and trauma. "We need to start thinking about victim services like we think about medical services," notes Teny Gross, the Executive Director of the Institute for Nonviolence Chicago, a community-based organization that works to reduce violence and help survivors in Chicago's Austin and West Garfield Park communities. "If you come to a hospital and you're sick, doctors won't turn you away if they believe you're somehow responsible for your sickness. Their duty of care requires them to treat you. Serving crime survivors should be no different."

Illinois' statutory reliance on guilt and innocence not only denies Compensation services to crime survivors who need them, but it also forecloses opportunities to protect public safety. As research shows that past



REIMAGINING FUNERALS AS A COMMUNITY-BASED VICTIM SERVICE

Most people probably do not think of funerals as a victim service, but for communities that suffer from high numbers of murders, funerals can be a severely traumatizing unmet need. That is why for Chicago-based anti-gun violence organizations, Crime Victim Compensation is usually synonymous with funeral assistance. As many survivors in this situation lack resources to pay for their loved one's funeral, they often rely on Compensation to support these expenses.

While VOCA requires that Compensation programs cover funeral expenses, the process for accessing funds is often traumatizing and a source of profound distress. Under the current law, many gun violence victims are not eligible for services, and advocates report that many funeral homes increasingly do not want to serve this population, as the reimbursements are uncertain, the time it takes to receive a decision is too long, and the funerals themselves can be sites of violence and retaliation.

As a matter of principle, a decent society should ensure that everyone is able to bury their deceased loved one with dignity. Given Chicago's uniquely high level and number of homicides that put potentially thousands of people every year in this desperate situation, there may be a need to explore different ways of providing funeral services for this population. One possibility is to reimagine funerals as a community-based victim service. The idea would be for a community-based organization to offer survivors of gun violence affordable and compassionate funeral services. The community-based funeral home could also become a place to deliver other kinds of essential services survivors might need, from counseling to restorative justice and reconciliation.

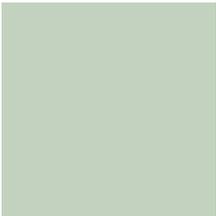
victimization is the strongest predictor of future victimization, victim services like Compensation have the potential to help reduce violence at both an individual and community level.⁶³ For example, while funerals are not generally thought of as a victim service that can also help prevent violence, Chicago-based law enforcement and violence prevention advocates often see them in these terms. “After a person is shot, the risk of retaliation is high. A funeral calms that down,” noted a Chicago law enforcement official interviewed for this report. Almost immediately after a person is murdered, their loved ones have to procure funeral and burial services. This typically costs several thousands of dollars. Many crime survivors in this situation do not have the resources to pay for these costs. And while Illinois’ law mandates that up to \$7,500 will be available to help eligible crime survivors pay for funeral and burial expenses, crime survivors are denied this assistance when officials determine victims “provoked or contributed” to their own deaths.⁶⁴ Based on research for this report, it is clear that Compensation administrators are not the only ones denying crime survivors this assistance. Law enforcement and funeral homes often serve as gatekeepers for services, telling crime survivors that they either should not bother applying for Compensation because they will be rejected, or giving them the impression that they already have been denied. “It doesn’t matter what the deceased may have done,” said Elena Calzada, a Victim Advocate at the Institute for Nonviolence Chicago. “When their mother or father leaves the hospital after their child has died, they’re only thinking about the baby they once brought home. In these situations, families see funerals as the last opportunity they’ll have to honor the child they sometimes feel they failed in life.” This rejection of assistance for funeral services can intensify the feelings of guilt, grief, and trauma that crime survivors experience. It can thus perpetuate the unaddressed pain and need that often drives crime and violence. As one Chicago law enforcement official interviewed for

this report stated: “There are people on the street right now with a coffee can asking for money so they can bury their friend, and there are people who are committing crimes right now to pay for funerals.”

Illinois’ Crime Victim Compensation program’s reliance on criminal justice concepts like guilt and innocence not only denies services to crime survivors and constrains violence prevention efforts, but it also goes beyond what VOCA Compensation requires. To more effectively serve crime survivors and reduce violence at the individual and community level, Illinois lawmakers should create a presumption in Compensation’s enabling statute that all crime survivors should be eligible for assistance unless there is clear and convincing evidence that providing them with relief will lead to “unjust enrichment.”

REIMAGINING CRIME VICTIM COMPENSATION

Although Illinois’ Compensation program is dedicated to helping meet the financial needs of crime survivors, it is structured in ways that end up denying services to the people who need them the most. Until recently, OVC asked state agencies like ICJIA to report on “major issues” that “hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements.”⁶⁵ ICJIA reports note that providers consistently focused on the lack of assistance for non-English speaking crime survivors. This is a significant weakness in Illinois’ Compensation program. Research shows that immigrant populations suffer from disproportionately high rates of victimization, and while Illinois’ Compensation program currently has application instructions in Spanish and Polish, the five page and highly legalistic application itself is only in English.⁶⁶ This discourages non-English speaking crime survivors from applying for services



There are people on the street right now with a coffee can asking for money so they can bury their friend, and there are people who are committing crimes right now to pay for funerals. — **CHICAGO LAW ENFORCEMENT OFFICIAL**

and can reinforce immigrants' fears that government is untrustworthy, even though Compensation could be an important resource for serving this population as it cannot take crime survivors' immigration status into account. Similarly, ICJIA's reports consistently note that victims and advocates struggle with Compensation's overall complicated, confusing, and burdensome process. Crime survivors report having to repeatedly fax and mail required documents and call the Compensation office to track their claim. In this back and forth with Compensation staff, crime survivors have to continually explain how they were victimized to try to justify their expenses. As ICJIA's reports note, crime survivors and providers "believe that consideration should be given to victims who suffer from anxiety caused by the assault, who may be unable to complete the compensation application due to overwhelming feelings they have while reviewing all the information." For people who are already suffering from the effects of trauma, Compensation's application process can be retraumatizing, and many find it too "daunting" and stressful to complete.⁶⁷

The difficulty many crimes survivors have applying for Compensation services points to larger, structural issues. A core problem with Illinois' Compensation program is that it assumes that applicants have enough resources to pay for essential services themselves and can wait long periods to find out whether they will be reimbursed. When crime survivors are in need of services covered by Compensation, they typically need them immediately often because they are in danger and they have no means to cover expenses to secure their safety. This is why OVC recommends that Compensation programs should have the capacity to administer emergency awards within 24 hours. And while Illinois law empowers Compensation to provide emergency funding, there is currently no established process for crime survivors in Illinois to apply for this kind of relief, nor does the Attorney General's Office have any recollection of ever recommending this kind of assistance. Compensation administrators have recently told providers that the application process can take up to two years before successful applicants are reimbursed. This delay makes Compensation effectively useless for many crime survivors. Augie Torres is a Community Project Manager at READI Chicago, a program that delivers intensive programming to those at the highest risk of becoming involved in gun violence. In an interview for this report, he described how the immediate aftermath of a shooting could be an opportunity not only to help heal crime survivors' physical and psychological injuries, but also help them change



For immigrant and refugee survivors of crimes related to gender-based violence, the impact of trauma, and displacement are acute. Cultural alienation in addition to the emotional and psychological effects of experiencing violence creates enormous barriers to overcome. In supporting these survivors, at Apna Ghar, Inc. we have learned the importance of empathic listening, healthy, positive and culturally appropriate communication, and valuing and emphasizing our shared journeys and experiences. Concretely, we have developed a language advocacy training to ensure that staff, volunteers and community members can effectively use their language skills to support the victims and survivors we serve. We are most effective when we build trust and rapport and explain the cultural, legal and institutional contexts when providing interpretation, case management, counseling and advocacy services.

— **NEHA GILL, EXECUTIVE
DIRECTOR, APNA GHAR, INC.**

their lives. “Getting shot is an eye opener—it can be an opportunity to re-examine your life or a trigger for more violence. When people are ready for change, they need something to hang onto right now. If not, they’ll think they have no choice but to go back to what they were doing before.” Likewise, emergency Compensation could be particularly useful for serving survivors of domestic violence, observes Vickie Smith, the Executive Director of the Illinois Coalition Against Domestic Violence. “Survivors often experience damage to vehicles or residences caused by the person abusing them. They seek medical treatment but don’t have the funds for their copay if they are fortunate enough to have insurance. There is often an immediate need for funds to create safe escape plans. Because the Compensation procedure takes so long, these survivors end up with the additional burden of unpaid bills as they seek to move forward with their life. Hospitals and car repair shops won’t wait the one-to-two-years the reimbursement process takes, and survivors rarely have the ready cash to pay upfront.”

According to Compensation administrators, the inability to process applications in a timely manner stems at least in part from how the program is set up in statute. Nationally, Compensation programs are housed in a variety of different kinds of state agencies, from victim service entities to labor boards to Attorney General offices. Illinois’ Compensation program, however, is the only program in the country administered jointly not just by two different agencies, but by two different constitutional offices. Compensation also relies on a host of other governmental entities, such as the Comptroller to issue payments and local-level law enforcement and prosecutors, who help Compensation administrators determine whether applicants have complied with the program’s statutory requirements. From the early years of the program’s existence, this

complicated structure has frustrated its ability to effectively serve crime survivors. As one observer noted in 1976, a few years after the program was created, Compensation seemed to have difficulty processing applications, which was “traceable to the legislature’s original inadequate draftsmanship.” The observer thus questioned “whether the design of the present administrative machinery is capable of handling the increasing number of claims.”

While it appears that Compensation’s bifurcation creates significant obstacles for serving crime survivors, this report does not take a position on precisely how the program should be structured or where it should be located. Research suggests that the “real key to a responsive and accessible compensation program” depends not so much on where it is housed, but on “good leadership” that is committed to accountable, trauma-informed, and victim-centered services.⁶⁸ At minimum, this commitment must include some essential capacities. Illinois’ Crime Victim Compensation program must be able to address crime survivors needs in a timely manner, which means being able to make emergency awards within the 24-hour period that OVC recommends. It must be able to meet crime survivors where they are, which means the program must find ways to partner with—and perhaps even embed assistance within—community-based organizations, local public health agencies, and community institutions that have the trust of the people who need services. The ability to provide culturally competent services is particularly essential. “For many survivors, it is difficult to believe that someone can help you unless you know that they have some personal understanding of the level of trauma and suffering you have gone through,” says Bertha Purnell, a Community Organizer at the Institute for Nonviolence Chicago. This kind of victim-centered, community-based care requires staff and leadership



Getting shot is an eye opener—it can be an opportunity to re-examine your life or a trigger for more violence. When people are ready for change, they need something to hang onto right now. If not, they’ll think they have no choice but to go back to what they were doing before.

— **AUGIE TORRES, COMMUNITY PROJECT MANAGER,
READI CHICAGO AT HEARTLAND ALLIANCE**

who are trained to work with people suffering from trauma, which includes an organizational capacity to help staff address potential vicarious trauma. Critically, Illinois' Compensation program must be accountable to the people of Illinois and particularly the crime survivors and communities who need its services. This means that the program must be transparent; it must have clear survivor-centered goals and objectives that inform its operations; and it must mean that the program is guided by the experiences and feedback of the survivors, advocates, and programs that use and need its services. At the most essential level, Illinois' Compensation program and the staff who administer it must be relentlessly dedicated to honoring a simple and profound obligation. As Sherita Galloway, a mother who lost her son to gun violence in 2016 puts it, "they need to remember who they're dealing with. They're dealing with victims, with people who are dealing with trauma."



For many survivors, it is difficult to believe that someone can help you unless you know that they have some personal understanding of the level of trauma and suffering you have gone through.

— **COMMUNITY ORGANIZER, INSTITUTE FOR NONVIOLENCE CHICAGO**



CONCLUSION: GUIDING PRINCIPLES AND RECOMMENDATIONS

In outlining some of the ways Compensation struggles to serve crime survivors, the point is not to attack the program, but to create an understanding of its problems so that they can be reformed. This report has argued that Compensation is a product of a history that has led us to create and use ineffective policies and practices. But more fundamentally, this history has led us to rely on false and harmful ways of understanding victimization, our government, and the relationship between to government, community, and to each other. This calls for us to articulate and embrace guiding principles that can provide a foundation upon which we can recommend changes to the law, policies, and practices we use to address the needs of crime survivors.

- 1 Just as medicine is committed to doing no harm to patients, government should seek to avoid exacerbating crime survivors' injuries and trauma.
- 2 All crime survivors should be treated with compassion and respect for their dignity.
- 3 Victim services should seek to assist crime survivors without regard to what they have done or the relationship to the people who have harmed them.
- 4 Government should seek to recognize and preserve crime survivors' ability to make informed choices for themselves, particularly in regard to how they participate in the criminal justice system.
- 5 Government leaders, administrators, and staff should seek to listen to and address the issues of crime survivors, as well as seek to understand

and address the issues their communities face that contribute to victimization.

- 6 Government-funded programs for crime survivors should seek to be part of a community-based, comprehensive system of coordinated care and be crafted in partnership with people and communities most impacted by crime and violence.
- 7 Government-funded programs should seek to respect crime survivors' culture, family structure, sexual orientation, gender identity, race, and ethnicity.
- 8 Government should seek to provide the resources and training its staff need to deliver victim-centered, trauma-informed, and culturally-competent services to crime survivors.
- 9 Law enforcement should seek to earn the trust of the people and the communities it serves.

RECOMMENDATIONS

Grounded in the above guiding principles, this report proposes the below set of recommended changes to Illinois' Crime Victim Compensation Program. Most of these recommendations come from the U.S. Department of Justice's Office for Victims of Crime, which is the federal granting agency that administers the Victims of Crime Act Compensation award that supports Illinois' program. The recommendations note relevant comparisons to other state programs. A more complete description of how Illinois compares to state programs across the country can be found in the National Immigrant Women's Advocacy

Project's 2017 report, "Post-Assault Healthcare and Crime Victims Compensation for Immigrant Victims of Violence—Medical Coverage and Services for Immigrants" and the Research & Evaluation Center at John Jay College of Criminal Justice's 2014 report "Compensating Victim of Crimes."⁶⁹ The list of recommendations begins with proposed reforms to policy and practice, as many of the most important changes to Compensation can be accomplished through administrative means. Next, the list details proposed changes to Illinois' Compensation enabling statute. Finally, the list proposes recommendations to non-governmental agencies that serve crime survivors.

Recommendations to Illinois' Crime Victim Compensation's Administration

- 1** Create an advisory council of crime survivors with representation of people most impacted by violence and essential stakeholders, including providers, advocates, and mental health professionals, to provide ongoing oversight, feedback, and strategic guidance for Illinois' Crime Victim Compensation program.⁷⁰
- 2** Partner with the advisory council to articulate victim-centered goals, objectives, and effective strategies that will help Illinois' Crime Victim Compensation program provide accountable services to all crime survivors in an expeditious manner.⁷¹
- 3** Ensure that emergency awards are processed within 24 hours.⁷²
- 4** Resolve non-emergency claims within at least 90 calendar days.⁷³
- 5** Create a separate process to help crime survivors pay for funerals. This process should be focused particularly in communities where survivors of gun violence need Crime Victim Compensation to help pay for funeral and burial expenses.
- 6** Simplify and streamline the application process. Following states like Pennsylvania and California, explore implementing an online application platform, which can enable applicants to submit and track their claims.⁷⁴
- 7** Ensure that application materials and assistance are accessible to non-English speaking crime survivors and survivors with limited literacy proficiency.
- 8** Partner with immigrant organizations to provide immigrant crime survivors with emotional support in a culturally sensitive way as they navigate complicated systems and institutions. This support is essential to address the anxiety and hesitation immigrant victims experience as they operate in a new context with limited language ability.
- 9** Partner with the Illinois Criminal Justice Information Authority, the executive state agency that administers the federal Victims of Crime Act Assistance Award, to ensure that victim assistance funding is integrated with Compensation.
- 10** Work with the Illinois Criminal Justice Information Authority to use Victims of Crime Act Assistance to fund advocates to help crime survivors apply for and navigate the Compensation process, focusing especially on community-based organizations that can provide culturally-competent services to underserved populations.
- 11** Partner with the Illinois Criminal Justice Information Authority to explore how Victims of Crime Act funding can support staff in the Attorney General's Office to provide crime survivors with "services that extend beyond the essential duties of the staff administering the compensation program," including "crisis intervention; counseling; and providing information, referrals, and follow-up for crime victims."⁷⁵
- 12** "Coordinate with victim assistance programs to develop an effective community outreach strategy to increase public awareness about the purpose and availability of crime victim compensation. This strategy should include extensive outreach efforts to ensure that all survivors, regardless of their race," ethnicity, gender identity, sexual orientation, disability, "culture, or language, have knowledge of and access to compensation program benefits," with a focus on local-level engagement and a commitment to meet crime survivors where they are.⁷⁶
- 13** "Establish multidisciplinary cross-training programs to ensure that victim advocates, allied professionals, and law enforcement are fully informed of the scope of compensation programs," trained in the effects of trauma and implicit bias, "and that

compensation professionals are kept up to date on the services to” survivors who need them the most in part through having regular formal and informal opportunities to receive feedback from survivors.⁷⁷

- 14 Evaluate through an independent third-party researcher whether: “(1) there are barriers to compensation that should be removed, (2) the program’s outreach efforts are effective, (3) the services provided are effective, (4) the scope of victims that qualify for compensation is broad enough, (5) claims are processed as efficiently as possible [and the program’s policies are followed consistently], (6) available benefits for mental health treatment are sufficient, and (7) reasons for denial of compensation claims” are disparately influenced by race, ethnicity, gender, and other demographic factors to ensure decisions are consistent with the program’s goal of serving all crime survivors.⁷⁸

Recommended Changes to Illinois’ Crime Victim Compensation’s Enabling Statute

- 15 Replace the prohibition against contributory harm with a presumption that all crime survivors should be eligible for assistance unless there is clear and convincing evidence that providing them relief will lead to unjust enrichment, as required by the Victims of Crime Act.
- 16 Remove the statutory prohibition that bars people under community correctional supervision from receiving Compensation assistance. Illinois is one of only 12 states that excludes people from compensation due to their conviction record or status on supervision.⁷⁹
- 17 Expand the types of crime survivors eligible to receive counseling benefits, loss of work, childcare, replacement of services, and transportation.⁸⁰

- 18 Increase medical and dental benefits to treat physical injury.⁸¹ Many states provide increased limits for catastrophic injury, and some states, like New York, remove limits for these kinds of cases.
- 19 Eliminate restrictive statutory reporting requirements and permit crime survivors to report the crime within a reasonable period of time and to other entities and parties than law enforcement, such as victim service providers, social workers, school officials, and clergy/religious leaders.⁸²
- 20 Eliminate application filing restrictions.⁸³
- 21 Maximize victims’ ability to recover losses and cover expenses.⁸⁴

Recommendations to Providers That Serve Crime Survivors

- 22 Partner with Illinois Crime Victim Compensation’s program to help ensure that outreach and assistance meet crime survivors where they are and deliver Compensation services in culturally competent and trauma informed ways.⁸⁵
- 23 Explore ways to deliver funeral services in communities that suffer from high rates of gun violence through a community-based model, coupling them with other services survivors might need, such as therapy and counseling, violence prevention and intervention, and restorative justice.



APPENDIX I

SELECTIONS FROM VICTIMS OF CRIME ACT VICTIM ASSISTANCE GRANT PROGRAM STATE PERFORMANCE REPORTS, FFY2009-16

FFY 2009

What are the major issues in your state, if any, that hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements?

Grantees provided the following feedback:

- The compensation process is too lengthy and time-consuming (sometimes up to a year), which discourages many victims from filing their claims.
- Compensation claims often result in initial rejections/denials, requiring the need to reapply.
- The compensation process would become more efficient if victims were allowed to email their claims and supporting documentation.
- Compensation is not available for the loss of income when the offender is in custody.
- Clients submitting claims wanted more compensation than normally allowed.

FFY 2010

What are the major issues, in your state, if any, that hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements?

In the State of Illinois, many grantees reported that the compensation process remains lengthy and time-consuming. Additionally, they feel that it continues to hinder victim assistance when claims that result in initial rejections/denials require the need to reapply, making the victim feel re-victimized by the system.

During FFY10, grantees provided the following feedback:

- Clients want to know why a compensation check to cover funeral costs is only given to one family member, even in cases where multiple family members split the costs, which can become an issue that contributes to “family feuds”.
- Clients feel that compensation should include coverage for property damage and/or theft.
- Clients want to know why they can’t be reimbursed for “pain and suffering”.
- Clients want to know why medical bills for claims won’t suffice but are instead required along with additional documentation from employers.
- Clients who are paid by their employers in cash can’t provide W-2 forms and are routinely denied claims if their employers do not provide the necessary paperwork.

FFY 2011

What are the major issues, in your state, if any, that hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements?

In the State of Illinois, many grantees reported that changes are needed to simplify and expedite the filing process. During FFY11, grantees provided the following feedback:

- Clients have expressed disappointment in the limitations of victim compensation and believe the reimbursement guidelines need to be broadened to cover additional types of compensation, such as property damage.
- Clients complained of not receiving follow-up contact from the compensation office which is needed to assist them in completing their reimbursement applications.
- Clients feel that the complexity of the required forms and supporting documents, as well as the time it takes to process the claim, make compensation requests daunting and burdensome tasks for victims.
- Clients think it is a hindrance to victim service when claims that are not submitted in a timely matter result in rejections/denials.
- Clients believe that consideration should be given to victims who suffer from anxiety caused by the assault, who may be unable to complete the compensation application due to overwhelming feelings they have while reviewing all the information.
- Clients choose not to file the application for victim compensation because they feel the filing efforts would exceed the compensation benefits.
- Agencies would like to see training for victim advocates regarding the victim compensation forms.

FFY 2012

What are the major issues, in your state, if any, that hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements?

In the State of Illinois, many VOCA-funded grantees reported that changes are needed to simplify and expedite the filing process. During FFY12, they provided the following feedback:

- Time-consuming processes and inconsistent dissemination of information makes it difficult for clients to file claims and receive compensation.
- Some victims seem reluctant to submit their required personal information to file their compensation claims.
- Language barriers continue to be an issue for non-English speaking victims particularly in rural and/or smaller segments of the population where trained interpreters are not available.
- Sometimes families delay in reporting sexual abuse to law enforcement officials when the offender is living in the same household as the victim. They may fear deportation or the threat of the victim being removed from the care of the parent because of the crime. This delay in reporting may cause an inability to file for crime victims compensation.

FFY 2013

What are the major issues, in your state, if any, that hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements?

In the State of Illinois, many VOCA-funded grantees reported that changes are needed to simplify and expedite the filing process. During FFY13, they provided the following feedback:

- 1 Immigrant victims continue to experience additional challenges when trying to access legal remedies and compensation due to the lack of bilingual personnel that is available to assist them.
- 2 The process by which non-offending care givers obtain approval and funding through this program is extremely difficult and taxing on family members. The documentation is sometimes not available to family members or difficult for them to obtain.

- 3 Although the instructions are in Spanish, it would be beneficial to have the actual application in Spanish, as well so that Spanish-speaking victims can more easily complete the form.

FFY 2014

What are the major issues, in your state, if any, that hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements?

In the State of Illinois, many VOCA-funded grantees reported that changes are needed to simplify and expedite the filing process. During FFY14, they provided the following feedback:

- 1 Some victims are ineligible for compensation despite their experience with domestic violence.
- 2 Some victims are unable to provide the documentation necessary to apply for compensation and/or complete the follow-up paperwork.
- 3 Some victims feel discouraged and give up on counseling when there are too many roadblocks to go through for compensation.
- 4 Some deaf victims have experienced crimes that are inappropriately categorized and/or downgraded to simple crimes that may not be given priority for compensation.
- 5 The failure to initiate criminal prosecution procedures affects whether the police notify victims about their compensation eligibility.
- 6 The need for victim advocates to be in multiple court rooms at the same time hinders their ability to assist some crime victims.
- 7 Some victim advocates are providing outdated information about compensation eligibility and requirements because they have not been notified of changes.
- 8 New victims often expect to receive compensation for pain and suffering and have a general misunderstanding of the purpose of the compensation program.
- 9 The type of crimes committed against victims rarely falls within the categories covered by the compensation program.

FFY 2015

What are the major issues, in your state, if any, that hinder victim assistance programs in assisting crime victims in filing for compensation benefits and in understanding state victim compensation eligibility requirements?

In the State of Illinois, many VOCA-funded grantees reported that changes are needed to simplify and expedite the filing process. During FFY15, they provided the following feedback:

- 1 Some victims feel there are too many roadblocks to go through for compensation.
- 2 The compensation process takes about a year when the clients most in need require emergency immediate funding.
- 3 All sections of the compensation forms should be made available in more languages because too much time is wasted searching for interpreters to help victims complete their forms.
- 4 Some victims forego applying for assistance/compensation due to their illegal status, fearing it would jeopardize their filing to stay in the country legally.
- 5 The State's failure to initiate criminal proceedings affects whether the police notify victims about their compensation eligibility.

- 6 Some victims become upset when they cannot receive reimbursement for money or valuables taken from them during a robbery.
- 7 New victims have a general misunderstanding of the purpose of the compensation program and often expect to receive compensation for pain and suffering.
- 8 The types of crimes committed against senior victims rarely fits into the categories covered by the compensation program.
- 9 The compensation paperwork does not contain information regarding travel reimbursement, which is greatly needed for victims who live in rural communities and have to travel great distances for services.

APPENDIX 2

2018 State Crime Victim Compensation State Data*													
State	Total Resident Populations 2018	Part I Violent Crime by State 2018	Victim Comp Applications Received FY18	Victim Comp Approved FY18	Victim Comp Denied FY18	Total Decided	Approved %	Denied %	Application Rate Per 100,000 Population	Approval Rate Per 100,000 Population	Compensation Application Rate Per 100 Part I Violent Crimes Reported in Calendar Year 2018	Compensation Approval Rate Per 100 Part I Violent Crimes Reported in Calendar Year 2018	
US Total	327,167,434	1,206,836	233,506	182,588	53,694	236,282	77%	23%	71.4	55.8	19.3	15.1	
Alabama	4,887,871	25,399	1,284	919	568	1,487	62%	38%	26.3	18.8	5.1	3.6	
Alaska	737,438	6,526	992	443	359	802	55%	45%	134.5	60.1	15.2	6.8	
Arizona	7,171,646	34,058	1,794	1,552	201	1,753	89%	11%	25.0	21.6	5.3	4.6	
Arkansas	3,013,825	16,384	687	369	350	719	51%	49%	22.8	12.2	4.2	2.3	
California	39,557,045	176,982	52,434	50,377	6,297	56,674	89%	11%	132.6	127.4	29.6	28.5	
Colorado	5,695,564	22,624	12,296	9,817	1,457	11,274	87%	13%	215.9	172.4	54.3	43.4	
Connecticut	3,572,665	7,411	1,788	1,093	187	1,280	85%	15%	50.0	30.6	24.1	14.7	
Delaware	967,171	4,097	1,178	977	184	1,161	84%	16%	121.8	101.0	28.8	23.8	
District of Columbia	702,455	6,996	3,067	3,118	24	3,142	99%	1%	436.6	443.9	43.8	44.6	
Florida	21,299,325	81,980	17,351	10,852	5,837	16,689	65%	35%	81.5	50.9	21.2	13.2	
Georgia	10,519,475	34,355	14,987	13,761	1,098	14,859	93%	7%	142.5	130.8	43.6	40.1	
Hawaii	1,420,491	3,532	647	378	111	489	77%	23%	45.5	26.6	18.3	10.7	
Idaho	1,754,208	3,983	1,719	1,526	471	1,997	76%	24%	98.0	87.0	43.2	38.3	
Illinois	12,741,080	51,490	3,382	2,722	1,142	3,864	70%	30%	26.5	21.4	6.6	5.3	
Indiana	6,691,878	25,581	907	130	482	612	21%	79%	13.6	1.9	3.5	0.5	
Iowa	3,156,145	7,893	No data	No data	No data	No data	No data	No data	No data	No data	No data	No data	
Kansas	2,911,505	12,782	1,396	793	634	1,427	56%	44%	47.9	27.2	10.9	6.2	
Kentucky	4,468,402	9,467	921	422	381	803	53%	47%	20.6	9.4	9.7	4.5	
Louisiana	4,659,978	25,049	3,026	2,506	27	2,533	99%	1%	64.9	53.8	12.1	10.0	
Maine	1,338,404	1,501	234	97	7	104	93%	7%	17.5	7.2	15.6	6.5	
Maryland	6,042,718	28,320	1,038	548	482	1,030	53%	47%	17.2	9.1	3.7	1.9	
Massachusetts	6,902,149	23,337	1,336	783	142	925	85%	15%	19.4	11.3	5.7	3.4	
Michigan	9,995,915	44,918	699	651	274	925	70%	30%	7.0	6.5	1.6	1.4	
Minnesota	5,611,179	12,369	1,586	1,956	753	2,709	72%	28%	28.3	34.9	12.8	15.8	

2018 State Crime Victim Compensation State Data*

State	Total Resident Populations 2018	Part I Violent Crime by State 2018	Victim Comp Applications Received FY18	Victim Comp Approved FY18	Victim Comp Denied FY18	Total Comp Decided	Approved %	Denied %	Application Rate Per 100,000 Population	Approval Rate Per 100,000 Population	Compensation Application Rate Per 100 Part I Violent Crimes Reported in Calendar Year 2018	Compensation Approval Rate Per 100 Part I Violent Crimes Reported Calendar Year 2018
US Total	327,167,434	1,206,836	233,506	182,588	53,694	236,282	77%	23%	71.4	55.8	19.3	15.1
Mississippi	2,986,530	6,999	1,043	654	371	1,025	64%	36%	34.9	21.9	14.9	9.3
Missouri	6,126,452	30,758	1,753	954	580	1,534	62%	38%	28.6	15.6	5.7	3.1
Montana	1,062,305	3,974	487	435	35	470	93%	7%	45.8	40.9	12.3	10.9
Nebraska	1,929,268	5,494	124	57	60	117	49%	51%	6.4	3.0	2.3	1.0
Nevada	3,034,392	16,420	8,966	7,912	900	8,812	90%	10%	295.5	260.7	54.6	48.2
New Hampshire	1,356,458	2,349	595	506	31	537	94%	6%	43.9	37.3	25.3	21.5
New Jersey	8,908,520	18,537	3,771	1,991	2,184	4,175	48%	52%	42.3	22.3	20.3	10.7
New Mexico	2,095,428	17,949	4,014	2,923	1,076	3,999	73%	27%	191.6	139.5	22.4	16.3
New York	19,542,209	68,495	11,210	5,858	3,698	9,556	61%	39%	57.4	30.0	16.4	8.6
North Carolina	10,383,620	39,210	3,183	2,741	1,089	3,830	72%	28%	30.7	26.4	8.1	7.0
North Dakota	760,077	2,133	465	382	20	402	95%	5%	61.2	50.3	21.8	17.9
Ohio	11,689,442	32,723	4,492	1,942	2,535	4,477	43%	57%	38.4	16.6	13.7	5.9
Oklahoma	3,943,079	18,380	1,583	888	716	1,604	55%	45%	40.1	22.5	8.6	4.8
Oregon	4,190,713	11,966	5,644	5,765	390	6,155	94%	6%	134.7	137.6	47.2	48.2
Pennsylvania	12,807,060	39,192	6,592	6,445	341	6,786	95%	5%	51.5	50.3	16.8	16.4
Rhode Island	1,057,315	2,317	1,162	798	352	1,150	69%	31%	109.9	75.5	50.2	34.4
South Carolina	5,084,127	24,825	3,411	1,662	168	1,830	91%	9%	67.1	32.7	13.7	6.7
South Dakota	882,235	3,570	166	135	24	159	85%	15%	18.8	15.3	4.6	3.8
Tennessee	6,770,010	42,226	2,698	1,212	1,347	2,559	47%	53%	39.9	17.9	6.4	2.9
Texas	28,701,845	117,927	26,994	19,099	10,890	29,989	64%	36%	94.0	66.5	22.9	16.2
Utah	3,161,105	7,368	8,714	5,682	2,411	8,093	70%	30%	275.7	179.7	118.3	77.1
Vermont	626,299	1,077	512	475	53	528	90%	10%	81.8	75.8	47.5	44.1
Virginia	8,517,685	17,032	1,629	1,371	325	1,696	81%	19%	19.1	16.1	9.6	8.0
Washington	7,535,591	23,472	5,723	4,311	1,708	6,019	72%	28%	75.9	57.2	24.4	18.4

2018 State Crime Victim Compensation State Data *

State	Total Resident Populations 2018	Part I Violent Crime by State 2018	Victim Comp Applications Received FY18	Victim Comp Approved FY18	Victim Comp Denied FY18	Total Decided	Approved %	Denied %	Application Rate Per 100,000 Population	Approval Rate Per 100,000 Population	Compensation Application Rate Per 100 Part I Violent Crimes Reported in Calendar Year 2018	Compensation Approval Rate Per 100 Part I Violent Crimes Reported Calendar Year 2018
US Total	327,167,434	1,206,836	233,506	182,588	53,694	236,282	77%	23%	71.4	55.8	19.3	15.1
West Virginia	1,805,832	5,236	437	331	305	636	52%	48%	24.2	18.3	8.3	6.3
Wisconsin	5,813,568	17,176	2,529	1,530	551	2,081	74%	26%	43.5	26.3	14.7	8.9
Wyoming	577,737	1,226	860	739	66	805	92%	8%	148.9	127.9	70.1	60.3

*Sources: US Census Bureau, Population Division. Table 3. Estimates of Resident Population Change for the United States, Regions, States, and Puerto Rico and Region and State Rankings: July 1, 2017 to July 1, 2018 (NST-EST2018-03); US Department of Justice, Office for Victims of Crime. FY 2018 Annual Performance Measures Reports - Victim Compensation Formula Grant Program Retrieved from: <https://www.ovc.gov/map.html>; NOTE: Rates are based on reports of Part I violent offenses that are reported to the Federal Bureau of Investigation's Uniform Crime Reporting Statistics Program. The crimes are murder and nonnegligent homicide, rape, robbery, and aggravated assault. Significantly, this does not include violent crimes that are not reported, nor other violent crimes that are not Part I. As such, actual compensation application/approval rates per-violent crime are likely significantly lower. States also vary in the ways they report data on compensation applications and approvals to OVC, including whether they report multiple applications per-victim, so comparisons across states are imperfect. In federal fiscal year 2018, official data indicate that only 6.6 per 100 reported Part I violent crimes in Illinois resulted in a Compensation application. Analysis conducted by the Alliance for Safety and Justice.

ENDNOTES

- 1 This report will primarily use the term “survivors” for people who have been victimized. The reason for this is that most of the people interviewed for this report preferred this term, rather than the term “victim,” which is typically used by criminal justice law and policy.
- 2 Illinois General Assembly. (n.d.). Civil liabilities (740 ILCS 45/) *Crime Victims Compensation Act*. Retrieved from <http://www.ag.state.il.us/victims/cvc.html>
- 3 Alvidrez, J., Shumway, M., Boccellari, A., Green, J. D., Kelly, V., & Merrill, G. (2008). Reduction of state victim compensation disparities in disadvantaged crime victims through active outreach and assistance: A randomized trial. *American Journal of Public Health*, 98(5), 882–888. Retrieved from <https://doi.org/10.2105/AJPH.2007.113639>; Ozer Ej, Best SR, Lipsey TL, Weiss DS. (2003). Predictors of posttraumatic stress disorder and symptoms in adults: a meta-analysis. *Psychol Bull.* 129:52-73.
- 4 On the phenomenon of repeat or poly-victimization, see Duncan, R. D. (1999). Maltreatment by parents and peers: The relationship between child abuse, bully victimization, and psychological distress. *Child Maltreatment*, 4, 45–55; Finkelhor, D; Omrod R; Turner, H. (2007). Poly-victimization: A neglected component, *Child Abuse Neglect*. Jan;31(1) :7-26; Finkelhor, D., Ormrod, R.K., & Turner, H.A. (2007). Re-victimization Patterns in a National Longitudinal Sample of Children and Youth. *Child Abuse & Neglect*, 31(5), 479-502; Hope, T., Bryan, J., Trickett, A., & Osborn, D. R. (2001). The phenomena of multiple victimization: The relationship between personal and property crime risk. *British Journal of Criminology*, 41(4), 595–617; Nishina, A., & Juvonen, J. (2005). Daily reports of witnessing and experiencing peer harassment in middle school. *Child Development*, 76(2), 435–450; Outlaw, M., Ruback, B., & Britt, C. (2002). Repeat and multiple victimizations: The role of individual and contextual factors. *Violence and Victims*, 17(2), 187–204; Trickett, P.K., Noll, J.G., & Putnam, F.W. (2011). The impact of sexual abuse on female development: lessons from a multigenerational, longitudinal research study. *Development and Psychopathology*, 23(2), 453-476; Rossman, B. B. R., & Rosenberg, M. (1998). *Multiple victimization of children: Conceptual, developmental, research, and treatment issues*. Binghamton, NY: Haworth Press. For an overview of the “victim-offender overlap,” see DeLong, C., & Reichert, J. (2019). *The victim-offender overlap: Examining the relationship between victimization and offending*. Chicago, IL: Illinois Criminal Justice Information Authority. Fagan, J., Piper, E. S., & Cheng, Y. (1987). Contributions of victimization to delinquency in inner cities. *The Journal of Criminal Law and Criminology*, 78, 586–613.; Farrell, C., & Zimmerman, G. M. (2018). Is exposure to violence a persistent risk factor for offending across the life course? Examining the contemporaneous, acute, enduring, and long-term consequences of exposure to violence on property crime, violent offending, and substance use. *Journal of Research in Crime and Delinquency*, 55(6), 725-765.; Gottfredson, M. R. (1984). *Victims of crime: The dimensions of risk*. United Kingdom: Home Office Research and Planning Unit.; Jensen, G. F., & Brownfield, D. (1986). Gender, lifestyles, and victimization: Beyond routine activity theory. *Violence and Victims*, 1, 85–99.; Wolfgang, M. E. (1958). *Patterns in criminal homicide*. Oxford, England: University of Pennsylvania Press.
- 5 This rate is based on reports of Part I violent offenses that are reported to the Federal Bureau of

Investigation's Uniform Crime Reporting Statistics Program. The crimes are murder and nonnegligent homicide, rape, robbery, and aggravated assault. Significantly, this does not include violent crimes that are not reported, or other violent crimes that are not Part I. As such, actual compensation application/approval rates per-violent crime are likely significantly lower. States also vary in the ways they report data on compensation applications and approvals to OVC, including whether they report multiple applications per-victim, so comparisons across states are imperfect. In federal fiscal year 2018, official data indicates that only 6.6 per 100 reported Part I violent crimes in Illinois resulted in a Compensation application. Analysis conducted by the Alliance for Safety and Justice.

- 6 In interviews for this report, applicants and providers consistently noted that it takes between 1-2 years to complete an application and receive reimbursements. Several people interviewed noted that the Attorney General's office had told them applicants should not expect to receive a reimbursement for two years.
- 7 Buchman, C. (2019). Crime victims lobby for more trauma care, resources. *The State Journal-Register*. Retrieved from <https://www.sj-r.com/news/20190411/crime-victims-lobby-for-more-trauma-care-resources>
- 8 Andrews, S; Brown, V; Heer, A; Leonard, J; Lighty, R; O'Keefe, K; Soehner, C; Springer, W; Sterling, J; Way-Smith, L; Yanoshik, B (2017). "Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence - Medical Coverage and Services for Immigrants." American University, Washington College of Law: National Immigrant Women's Advocacy Project. Evans, Douglas (2014). *Compensating Victims of Crime*. New York, NY: Research & Evaluation Center, John Jay College of Criminal Justice, City University of New York.
- 9 Office for Victims of Crime (1998). *New Directions from the Field: Victims Rights and Services for the 21st Century*. Washington, DC: U.S. Department of Justice. 338, 344. Retrieved from https://www.ncjrs.gov/ovc_archives/directions/welcomoe.html.
- 10 *New Directions*. 338, 344
- 11 *New Directions*. 337.
- 12 *New Directions*. 337
- 13 *New Directions*. 348-49.
- 14 Office for Victims of Crime (n.d.), Side-by-Side Comparison of the VOCA Victim Assistance Guidelines and Rule. Pg 23. Retrieved from <https://www.ovc.gov/pubs/comparison-VOCA-victim-assistance-guidelines-and-final-rule.pdf>
- 15 *New Directions*. 343.
- 16 *New Directions*.345.
- 17 *New Directions*. 348.
- 18 For a recent overview of state law that governs crime victim compensation,, including whether they prohibit survivors under correctional supervision, See Andrews, S; Brown, V; Aurora de Heer, A; Leonard, J; Lighty, R; O'Keefe, K; Soehner, C; Springer, W; Sterling, J; Way-Smith, L; Yanoshik, B. *Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence - Medical Coverage and Services for Immigrants*. July 13, 2018. National Immigrant Women's Advocacy Project, American University, Washington College of Law. Retrieved October 18, 2019 from <http://library.niwap.org/wp-content/uploads/2015/pdf/PB-Man-Ch17.3-PostAssaultHealthCareCompensation.pdf>
- 19 *New Directions*. 339.
- 20 *New Directions*. 340.
- 21 *New Directions*. 341.

- 22** *New Directions*. 342.
- 23** *New Directions*. 347.
- 24** *New Directions*. 346.
- 25** The research for this report involved structured and unstructured interviews with 25 survivors of community violence, providers who work survivors of community violence, and law enforcement.
- 26** Buchman, C. (2019). Crime victims lobby for more trauma care, resources. *The State Journal-Register*. Retrieved from <https://www.sj-r.com/news/20190411/crime-victims-lobby-for-more-trauma-care-resources>
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homicide, rape, robbery, and aggravated assault. Significantly, this does not include violent crimes that are not reported, or other violent crimes that are not Part I. As such, actual compensation application/approval rates per-violent crime are likely significantly lower. States also vary in the ways they report data on compensation applications and approvals to OVC, including whether they report multiple applications per-victim, so comparisons across states are imperfect. In federal fiscal year 2018, official data indicates that only 6.6 per 100 reported Part I violent crimes in Illinois resulted in a Compensation application. Analysis conducted by the Alliance for Safety and Justice.

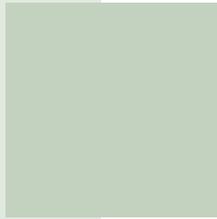
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- 58** 740 ILCS 45/2.5. Note, while Illinois Crime Victim Compensation statute bars people under correctional supervision from receiving compensation, it considers a person’s death a discharge from this status. This would allow surviving family members to apply for benefits to pay for services like a funeral. The statute also allows people under correctional supervision to apply for services while they under correctional supervision and to receive compensation when their sentence is discharged.

Here's the relevant language: "Felon as victim. Notwithstanding paragraph (d) of Section 2, "victim" does not include a person who is convicted of a felony until that person is discharged from probation or is released from a correctional institution and has been discharged from parole or mandatory supervised release, if any. For purposes of this Section, the death of a felon who is serving a term of parole, probation, or mandatory supervised release shall be considered a discharge from that sentence. No compensation may be granted to an applicant under this Act during a period of time that the applicant is held in a correctional institution. A victim who has been convicted of a felony may apply for assistance under this Act at any time but no award of compensation may be considered until the applicant meets the requirements of this Section." For in-depth examination of states that ban people with criminal records, see Santo, A. (Sept 2018). "The Victims who don't count." The Marshall Project. Retrieved from <https://www.themarshallproject.org/2018/09/13/the-victims-who-don-t-count>.

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- 75** Office for Victims of Crime (n.d.), Side-by-Side Comparison of the VOCA Victim Assistance Guidelines and Rule. Pg 23. Retrieved from <https://www.ovc.gov/pubs/comparison-VOCA-victim-assistance-guidelines-and-final-rule.pdf>
- 76** *New Directions*. 343.
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