

Victims of Crime Act (VOCA) Victim Assistance Program

EMERGENCY FUND GUIDELINES

Purpose: To assist victims of crime in emergency, LIFE THREATENING situations when other resources are unavailable. The PRIMARY concern is to help decrease the emotional trauma as well as the financial burden to all innocent crime victims.

Definition of Emergency: That which is IMMEDIATE and a DIRECT RESULT OF THE CRIME that consequently leads to the need for services. The determination as to what constitutes an emergency is left to the discretion of the administering agency, under the guidance of the VOCA Grant Administrator.

Important to Note: This fund is NOT intended to be a substitute for victims' compensation, but rather to support immediate services to victims when NO other resources are available.

The Victim Advocate/Service Provider is required to work with the victim to determine and eliminate viable resources first before accessing this fund.

How much? The maximum amount of emergency funding available to an individual victim per crime incident cannot exceed \$1,500.00. Category limits include:

- eyeglasses (not to exceed \$350.00),
- utilities – gas, electric, water, telephone, etc. (not to exceed \$250) – NO DEPOSITS
- emergency counseling (not to exceed \$500),
- rent (not to exceed \$600, one time only) – NO DEPOSITS, NO ARREARS
- mileage (not to exceed \$.20/map mile) and
- per diem (not to exceed State of NM rates, overnight up to \$85)
- crime scene clean-up, if no insurance (not to exceed \$1,500)

How are these funds accessed? Victim Advocates/Service Providers are the ONLY people who can contact an Emergency Funding Administrative Agency's designated individual after a Check Request form is completed. (See Regional listing for the agency and contact person in your area.)

Please DO NOT refer victims directly to the ER Administrating Agencies. This is doing the victims a disservice, since they will be directed to contact a victim service agency in their area who are more knowledgeable about local resources and who can assist them with the ER request.

A. ALLOWABLE COSTS:

1. Services that respond to emergency needs that are a direct result of crime victimization. Includes:
 - emergency food, clothing, and
 - legal assistance with restraining orders, emergency custody & visitation procedures,
 - emergency counseling and mental health assessments

ALLOWABLE COSTS (continued)

2. Emergency shelter or temporary housing when those services are needed as a direct result of a crime victimization. (NOTE: This does not apply if a shelter is within a 40 mile radius and transportation is available) Includes:
 - **one time rent (only if the victim has a plan for how to pay the following month, not in arrears, and is working with a victim service provider)**, motel, food, gas for an individual and family to be safe
 - ER funds CAN NOT pay for a U-haul or relocation costs
3. Necessary and reasonable transportation costs that enable a victim to receive
 - emergency crisis intervention services,
 - emergency medical services and
 - participate in the judicial proceedings (not as a witness)
 - transportation expenses may also be for secondary victims such as spouses and family members for the purpose of providing support when the primary victim is a child, is deceased or in a unique and unusual circumstances when the victim is incompetent or incapacitated.
4. Crime scene clean up services and for repairs or replacement of items that directly contribute to maintaining a healthy and/or safe environment for the victim.
 - i.e. lock replacement,
 - home access repair (broken exterior doors, windows)

THREE CONDITIONS MUST BE MET BEFORE A REQUEST CAN BE CONSIDERED:

Though this list is not exhaustive, it is clear these **three** conditions must be met:

1. it is an immediate situation with life-threatening consequences that are a direct result of a crime
2. the service must otherwise be unavailable
3. three other resources had been sought

B. UNALLOWABLE COST (under no circumstance can these be considered):

1. Long term housing, including ongoing rent and utilities, rent and utility arrears or deposits, etc.
2. Moving expenses or relocation of a victim for any purpose. Examples of relocation expenses include travel/transportation costs, security deposits, payment to a moving company and rental of a moving van/trailer. DO NOT REQUEST "RELOCATION" FUNDING.
3. Expenses related to recovering lost property.
4. Funeral or burial expenses.
5. Expenses directly related to victim protection from harassment or intimidation.

C. PROCEDURES FOR A VICTIM ADVOCATE/SERVICE PROVIDER (Only) WHEN MAKING AN EMERGENCY FUNDING REQUEST

1. Know what is being requested and the costs. If it is a vendor item such as exterior house windows, get an estimate.
 2. Try three relevant regional resources to see if they have any funding available. Even if it is partial funding, it's a start!
 3. Review the ER Fund Guidelines and know what is and is not allowable AND the maximum costs allowed. Call the ER Fund Administering Agency in your area and discuss the situation with them. If they think it may be allowable, then
 4. Fax a completed VOCA Emergency Fund CHECK REQUEST Form to the administering agency. Be sure to include:
 - Victim's name and date of request.
 - Why is this an immediate and life-threatening situation?
 - Facts of the Case: Include a short explanation of the crime along with any supporting documentation.
 - Impact of the Crime: Describe the impact of the crime on the victim (emotional, physical, work related)
 - Attempts to Locate & Access Other Resources: The list of resources that were contacted with telephone numbers and a reason why denied.
 - Name of vendor or individual the check is to be payable to, their contact information and check is it to be mailed OR picked up. Remember to write/print legibly.
- a. Other Immediate and Non-Immediate Resources to Consider:**
1. Local Victim Assistance Programs – including shelters, crisis intervention, transportation, court accompaniment, other services.
 2. Private Insurance, Medicare, or Medicaid
 3. Traveler's Aid and/or Indigent Fund (Learn what the indigent funds in your area pay for)
 4. Benefits to Military or Native Americans
 5. Local Community Charities, Social Services, Mental Health Agencies.
 6. NM Crime Victim Compensation – which may cover unreimbursed medical, mental health counseling, funeral expenses and lost wages.
- b. Type of Assistance & Cost:** Include a clear description of the assistance that is requested and the cost. Use additional paper if needed.

Approval of a request is dependent upon the factors listed above. The requested CANNOT be prohibitive under VOCA or NMCVRC. **The Emergency funds can potentially be used for ALL VICTIMS OF CRIME.**

Examples of ER Funding Requests

1. A woman in a domestic violence situation calls the police and her husband is arrested. He is the main breadwinner and the rent and utility payments are due within 10 days. She finds some support but is unable to come up with all the payments. Is she eligible for ER funds? Who makes the call?

*Yes. The funds can pay for one month's rent, (not to exceed \$600 and utility expenses not to exceed \$250. The rationale for this is to help stabilize the woman and children for approximately one month in order for her to have time to make some decisions for her family. The Victim Service Provider/Advocate has discussed how the victim will pay next month's rent, if necessary. **However, the ER Funds CANNOT be used to pay for expenses in arrears or for deposits. This is a ONE TIME ONLY request per victim.** The Victim Service Provider/Advocate makes the call to the ER Administrator in the region, NOT the victim.*

2. A teenager was murdered in his parents' home/car. **Can ER funds be used for crime scene clean up?**

Yes. Crime scene clean up services can be paid for but the total cost cannot exceed \$1,500. The rationale is to help the family with the health and safety issues involved when dealing with and removing human tissue and body fluids. Questions to consider- has a compensation application been filed? Does the family have auto or home insurance? Will the insurance help or cover the cost of the clean up?

3. A man is mugged and his glasses are broken during the assault. He cannot see without them, he does not have an extra pair and he has no funds or insurance to buy another pair. Can ER funds be used to pay for his eyeglasses? Could a CVRC Compensation Application be applied for to cover these costs?

Yes. He requires them for his every day health and safety. However, ER funds can only pay up to \$350.00 of the eyeglass cost. If the man wants more expensive glasses, he will need to pay any additional costs over \$350.00. Question to ask – Are the glasses covered by any insurance? Is it considered one of the enumerated crimes? If so, has a compensation application been filed for this victim?

4. A woman and her four children were in a domestic violence situation in NM. They are originally from AZ. Her boyfriend is in jail in NM, her truck has broken down, she has no resources or family in NM. She wants to return to AZ. Is this ER fund eligible?

Maybe. What resources are available in the community she is currently in? The Sheriff's Office is willing to donate some funds for bus tickets. All other resources are not available. The woman states that she wants the truck fixed since she will need it for work when she gets back to AZ. The truck is 20 years old and it has been falling apart for the last five. ER funds can be used to transport her back into a safe and supportive environment. The most expedient way is to augment the Sheriff's dollars and buy bus tickets for the family back to AZ.

5. A woman has been sexually assaulted by a co-worker. She reported it to the police. The rapist's friends and family members are following her and park their cars outside her house. She does not have a

telephone. She did have one but service was cut because she didn't pay her bill for three months. She owes \$240.00. She wants a telephone put in so she can call the police if and when these people come to her house. Is this an allowable cost? Has a compensation application been filed for this victim?

No. The ER funds cannot pay arrears, nor a deposit to have the phone installed. Another option would be to work with a community cellular phone company and have them provide a cell phone that can be used for 911. Or, call the D.A.'s or law enforcement offices to see if they have any of these phones or know of some businesses that could help out in this situation.

6. A man was in a domestic violence situation. His girlfriend took all his money, ripped up his clothes and emptied his prescription medicine into the toilet. The man has a medical condition, bi-polar, that requires daily medication. If he doesn't take his medicine daily, the medication's effectiveness is jeopardized and he experiences the symptoms of the disease. The request is for \$25.00 to have his prescription filled for 10 days. After that, he will have funds to pay for a full prescription. Can ER funds do this?

Yes. It is an emergency situation; it concerns his health and well-being and assists with his emotional stability. The request is a direct result of the victimization.

7. A victim wants to attend the sentencing hearing. The DA's office flew her in a month earlier from Maine but the hearing was postponed. The DA's office subpoenaed the victim. Can ER funds do this?

No. If the DA's office subpoenaed the victim they are responsible for the costs. VOCA Guidelines dictate this.

Important to consider: If a cost is non-allowable under the guidelines, look to see if there are other expenses to be paid that may be allowable. Cost shift.