

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 7.13</b>
		Issue Date: March 21, 2005
		Revision Date:
<b>CHAPTER:</b> Patrol		Related Policy: G.O. 7.08 (Incident Response), G.O. 8.01 (Case Assignment & Follow-up Investigation Responsibilities)
<b>SUBJECT: Crime Victim Compensation Act</b>		Related Laws: ORS 147.005, ORS 147.015 and ORS 147.365

**POLICY:** The Patrol Section is charged with the responsibility of the protection of life and property, the prevention of crime, and the promotion of public peace and dignity.

**RULE:** None

**PROCEDURE:**

I. Sheriff's Office Responsibility

- A. In accordance with ORS 147.365, it shall be the responsibility of the Deputy conducting the preliminary investigation of a crime subject to the Crime Victim Compensation Act, to provide the victim or dependent with a card that states the compensation procedure.
- B. The fact that the card has been delivered shall be documented on the Deputy's report for future reference. Should circumstances prevent the Deputy from delivering the card, that fact shall be documented on the Deputy's report to insure the eventual delivery of the card through a follow-up contact.
- C. The responsibility for follow-up contact shall be with the Police Services Division, if the crime is a Misdemeanor, and with the Criminal Investigation Section, if the crime is a Felony.

II. Eligibility For Compensation

In accordance with ORS 147.015, a victim or dependent is eligible for compensation if:

- A. The person is a victim, or is a dependent of a deceased victim, of a compensable crime that resulted in a compensable loss of more of \$100.00.
- B. The appropriate Law Enforcement Officials were notified of the perpetration of the crime allegedly causing the death or injury to the victim within 72 hours after its perpetration, unless the Department finds good cause exists for the failure of notification.

- C. The applicant has cooperated fully with Law Enforcement Officials in the apprehension and prosecution of the assailant or the Department has found that the applicant's failure to cooperate was for good cause.
- D. The application for compensation is not the result of collusion between the applicant and the assailant of the victim.
- E. The death or injury to the victim was not substantially attributable to his/her wrongful act or substantial provocation of his/her assailant.
- F. The application for an award of compensation under ORS 135.905 and 147.005 to 147.365 is filed with the Department.
  - 1. Within six months of the date of the injury to the victim.
  - 2. Within such further extension of time as the Department for good cause shown allows.

III. Clarification of Terms

ORS 147.005 provides the following definitions in relation to this Act, to clarify eligibility for compensation.

- A. **Compensable Crime** - Means the abuse of a corpse in any degree or an intentional, knowing, or reckless act that results in serious bodily injury or death of another person and which, if committed by a person of fully legal capacity, would be punishable as a crime in this State.
- B. **Dependent** - Means that such relatives of deceased victims who wholly or partially were dependent upon the victim's income at the time of death or would have been so dependent but for the victim's incapacity due to the injury from which the death resulted.
- C. **Department** - Means the Department of Justice.
- D. **Funeral Expense** - Means the expense of the funeral, burial, and cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains and also including, in the case of abuse of corpse in any degree, re-interment.
- E. **Injury** - Means the abuse of a corpse or actual bodily harm and with respect to a victim, includes pregnancy and mental or nervous shock.

- F. Law Enforcement Official - Means a Sheriff, Constable, Marshal, municipal Police Officer or member of the Oregon State Police and any such person designated as a Peace Officer by law.
- G. Relative - Means a person related to the victim within the third degree as determined by the common law; a spouse; or an individual related to the spouse within the third degree as so determined and includes an individual in an adoptive relationship.
- H. Survivor - Means any spouse, parent, grandparents, guardian, sibling, child, or other immediate family members of a deceased victim.
- I. Victim - Means a person:
  - 1. Killed or injured in this State as a result of a compensable crime perpetrated or attempted against the person.
  - 2. Killed or injured in this State while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances.
  - 3. Killed or injured in this State while assisting a Law Enforcement Official to apprehend a person who has perpetrated a crime or to prevent the perpetration of any such crime, if that assistance was in response to the express request of the law enforcement official.
  - 4. Killed or injured in another State as a result of a criminal episode that began in this State.
  - 5. Who is an Oregon resident killed or injured as a result of a compensable crime perpetrated or attempted against the person in a State, within the United States, without a reciprocal crime victims' compensation program.
  - 6. In the case of abuse of corpse in any degree, the corpse or a relative of the corpse.