



DEPARTMENT OF JUSTICE
Crime Victims' Services Division
Crime Victims' Compensation Program

EXPEDITED DETERMINATION COVERSHEET
(Only to be used by Advocates that have been assigned a CVCP Training Number)

Claim No.: (CVCP Use Only) CV _____

Victim Name: _____ Victim Age: _____

Claimant Name and Relationship to Victim (if applicable): _____

Type of Crime: _____ Advocates Name: _____

Advocates Agency: _____ Advocates Phone No.: _____

Please answer the following questions. Applicable definitions can be found on the back of this coversheet.

- | | Yes | No | |
|----|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Did victim file application with CVCP within 6-months of date of crime, or disclosure by child victim?
(If no, please have victim list reason in section 3 of application.) |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Did victim report crime to police within 72-hours of perpetration or disclosure by child victim?
(If no, please have victim list reason in section 3 of application.) |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | Did victim cooperate fully with police and district attorneys office? |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | Was victim involved in a wrongful act at the time of the crime? |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | Did victim substantially provoke the assailant prior to the crime? |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | Did the crime occur in Oregon, or was the victim an Oregon resident who was the victim of international terrorism in another country? |

ADDITIONAL INFORMATION

- Describe victim's crime-related injuries (injuries must be documented).

- Describe the disposition of the criminal case (please be specific, i.e., offender incarcerated, outstanding warrant, trial pending, no true bill, no prosecution expected). _____

APPLICATION CHECKLIST

- This application is not the result of a property crime.
- Application is completely filled out and signed by a witness and victim/applicant.
- The complete police report accompanies the application (please include any supplemental reports).
- A listing of providers, bills and/or other documentation establishing eligibility accompanies the application.

I verify that the above information is accurate, complete and attached:

Advocates Signature

Advocates CVCP Training Number

Statutes

147.005 Definitions. As used in ORS 135.905 and 147.005 to 147.367 unless the context requires otherwise:

(4) "Compensable crime" means abuse of 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 full legal capacity, would be punishable as a crime in this state.

(13) "Victim" means:

(a) A person:

(A) Killed or injured in this state as a result of a compensable crime perpetrated or attempted against that person;

(B) 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;

(C) 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;

(D) Killed or injured in another state as a result of a criminal episode that began in this state;

(E) 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; or

(F) Who is an Oregon resident killed or injured by an act of international terrorism committed outside the United States; or

(b) In the case of abuse of corpse in any degree, the corpse or a relative of the corpse.

147.015 Eligibility for compensation; generally. A person is eligible for an award of compensation under ORS 135.905 and 147.005 to 147.367 if:

(1) The person is a victim, or is a survivor or dependent of a deceased victim of a compensable crime that has resulted in or may result in a compensable loss;

(2) 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 of Justice finds good cause exists for the failure of notification;

(3) 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;

(4) The application for compensation is not the result of collusion between the applicant and the assailant of the victim;

(5) The death or injury to the victim was not substantially attributable to the wrongful act of the victim or substantial provocation of the assailant of the victim; and

(6) The application for an award of compensation under ORS 135.905 and 147.005 to 147.367 is filed with the department:

(a) Within six months of the date of the injury to the victim; or

(b) Within such further extension of time as the department for good cause shown, allows.

Rules

137-076-0010 Definitions: As used in ORS 147.005 through 147.375, unless the context requires otherwise:

(6) "Substantially Attributable to the Victim's Wrongful Act" means directly or indirectly attributable to a wrongful act from which there can be a reasonable inference that, had the act not been committed, the crime complained of likely would not have occurred.

(7) "Wrongful Act" means any intentional, reckless, negligent or careless act that is unlawful or meets the elements of a crime, violation or infraction. "Wrongful Act" could include but is not limited to a felony, misdemeanor, violation, traffic crime, traffic violation, parole or probation violation, custody release agreements or participating, either directly or indirectly, in the cultivation, purchase, sale, manufacture or possession of a controlled substance as defined by ORS 475.991 to 475.995 and 167.225.

(8) "Substantial Provocation" means a voluntary act by the victim which caused or provoked another to take action as the result of anger, resentment or deep feelings, which would have been foreseeable by a reasonable and prudent person, and from which there can be a reasonable inference that, had the act not occurred, the crime likely would not have occurred.

(9) "Contribution" means a voluntary action by the victim, which, directly or indirectly, produced the victim's injury. In determining whether contribution exists, the Department may consider all relevant circumstances of the behavior of the victim that may have contributed to the victim's injury or death, including but not limited to gestures, words, prior conduct and the use of alcohol or controlled substances.