

## **Guideline for Payment of Property Crime Losses**

At the 6/18/12 Board Meeting the Board indicated that the Compensation Program will require documentation from a mental health provider or physician which indicates that a victim has suffered "emotional harm" directly related to the property crime that occurred to a victim in order for the Program to consider payment of a victim's associated losses such as lost wages or gas to attend court.

Per John Treadwell from the Attorney General's office, a property crime, in itself, is considered an eligible "crime" with the Victims Compensation Program whether the crime occurs at victim's primary residence or to their property. However, per the Compensation Program's policies, procedures, and guidelines, most property losses themselves are considered a non-compensable loss and our Program does not compensate for the property loss itself. The only exception is for payment of uninsured property losses such as damaged doors, windows, locks, etc. that occur to a victim's primary residence for safety and security reasons.

For clarification there are two types of property crimes to consider:

- 1) property crimes against a victim's primary residence, re: burglary; if the property crime occurs to a victim's primary residence, whether the victim is home or not at the time of the crime, "emotional harm" is automatically established and the Program can consider payment of all eligible losses associated with the victimization such as lost wages or gas to attend criminal court proceedings.
- 2) general property crimes to include but not limited to, re: vandalism, unlawful mischief, false pretenses, petit larceny, etc., which occur to a victim's property (other than a victim's primary residence) and no emotional harm has been established, the claim will be deemed "ineligible/property loss". The loss must flow from the injury (emotional or physical) and it does not in these cases. The Program does not consider payment of any other requested loss associated with the crime/victimization to include lost wages and gas to attend criminal court proceedings in these cases unless we receive documentation from a mental health provider or physician supporting emotional harm.

The Compensation Program pays for replacement items stolen from vehicles or otherwise (even when the victim is not requesting counseling to establish emotional harm) to include prescription eyeglasses, passport, driver's license, cell phone, stolen keys, lock replacement due to stolen house keys as long as these losses are listed in the affidavit; replacement of these items/documents are crucial to the victim when there is a property related charge (vandalism, false pretenses, unlawful mischief, petit larceny, or other property crime). The Program does not pay for any other requested loss associated to the crimes listed above to include lost wages, security systems, and gas to attend criminal court proceedings in these cases when it is a property crime.

Victims must utilize any insurance available to them for payment of property damage to include homeowners/renter's insurance, auto insurance, cell phone insurance. If a suspect is convicted of a crime, the victim may request restitution for coverage of their uninsured crime related losses.

The Victims Compensation Program does not pay for any losses associated to a crime that occurs to a victim's secondary residence. Comp staff will deem the claim ineligible/property loss.

Windshield/car damage incurred during the commission of a crime

The Compensation Program will consider replacement of a windshield or other auto related damage that prevents a victim from safely driving their car or getting the car inspected as long as the affidavit of probable cause/supporting documentation indicates that the windshield/car damage was damaged during the commission of the crime. A victim must be in the car or trying to get into the car to leave/flee the scene at the time of the crime to qualify for payment. Any auto insurance must be utilized first. (Some auto insurance policies have very low deductibles for windshield replacement). Eligible expenses may include a broken windshield, broken side mirror, smashed headlight, or slashed tire(s). Any other property damage to a car (scratches, dents, etc.) are considered property damage and will need to be requested through restitution if insurance doesn't cover them.

Please note, the Program will **not** pay for auto related damage to an unoccupied/parked car.

Updated 8/27/14, 7/11/17, 9/3/19