

### **CVCP Exceptions to Cooperating with Police**

Under DC Code §4-506, there are some narrow exceptions to the requirement that a claimant report the crime to police or participate in an investigation.

The Crime Victims Compensation Program will not inform claimants of these exceptions or assist them with establishing eligibility. Therefore, if CVCP denies an application or a claim based on: (1) the lack of a police report, (2) reporting beyond the time limit required by the statute, or (3) the claimant's reported failure to participate in the investigation to MPD's satisfaction, the claimant (or the claimant's attorney or advocate) can provide information to establish that this deficit in their application was due to any of the following factors:

- Age:
  - Examples:
    - A child reporting abuse many months or even years after it occurred is developmentally normal;
    - A teen who was afraid to report because they were doing something their parents disapproved of at the time the crime occurred;
    - A senior living in a nursing home where they are dependent on the staff for their survival, may be suffering from dementia, or simply feel that reporting or participating with law enforcement is beyond their current capacity.
- Physical condition:
  - Examples:
    - A gunshot victim who was unconscious for a significant period or too incapacitated to sign the application;
    - Someone who has a traumatic brain injury or other similar injury preventing them from filing a report at all or in a timely manner or participating in the investigation.
- Psychological state:
  - Examples:
    - A survivor of sexual assault who experiencing PTSD symptoms;
    - Claimant who has a severe and persistent mental illness that interferes with their ability to follow through with these processes;
    - Claimant who has experienced or been very close to police brutality and experiences PTSD symptoms or acute fear interacting with law enforcement.
- Cultural or linguistic barriers:
  - Examples:
    - An immigrant who does not trust law enforcement based on experience in their home country or what they have been told by an abuser about being deported if they report;
    - A survivor of domestic violence who is a member of a historically marginalized group with a high level of distrust of police;
    - Someone for whom English is not their first language and interpreter services seemed or was prohibitive, or they did not understand the time requirements as a result.

- Any other health or safety concern that jeopardizes the claimant's well-being:
  - o A survivor of community violence afraid of retaliation against themselves or their family if they report or participate;
  - o A survivor of domestic violence whose abuser has indicated that they'll kill them or their children if they report to police;
  - o Someone with a severe medical condition exacerbated by the stress of reporting and/or participating.

The following documentation may be accepted to establish eligibility:

- An order or judgment from any court of competent jurisdiction:
  - Family court filings or other division from a Court in the District of Columbia detailing the crime;
- Records from a law enforcement agency:
  - Police report of the crime that also mentioning that they are afraid to participate further;
- Records from a medical professional from whom the victim has sought assistance in dealing with the alleged crime:
  - Emergency department or general practitioner or urgent care records;
  - Records from licensed mental health professionals to whom the crime was disclosed.

### **Advocacy Steps:**

To satisfy the (1) allowable reason and (2) documentation requirements for an exception to the reporting and/or participation requirement for eligibility:

1. Draft a letter indicating the reasons for the deficit based on one or more of the four allowable factors citing personal statements from the survivor and any supporting research citations or other supportive information;
2. Provide one of the required documents to establish eligibility attached to the letter.

It may also be important to manage the survivor's expectations surrounding the exception as this is a new portion of the law and the acceptable documentation sources and contents have not been robustly established yet.