



Crime Victims Advocacy Council

CRIME VICTIMS ADVOCACY COUNCIL

3101 Paces Mill Road, S.E.

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* **VICTIM HANDBOOK** *

Things You Need To Know:

- ❖ **Who Is CVAC**
- ❖ **Your Victim's Rights**
- ❖ **Crime Victim Compensation**
- ❖ **The Criminal Justice Process**
- ❖ **Other Remedies for Victims**
- ❖ **Self-Care in the Aftermath**
- ❖ **Call If You Need Us**



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CVAC is a 30 year old, not-for-profit organization that offers free services to victims of all types of crime. We at CVAC do our best to provide whatever the victim may need. CVAC's services include, but are not limited to:

- A 24 hour hotline with available personnel to assist victims at any time.
- Assistance with, and information regarding, the Criminal Justice System (e.g. police, detectives, court, etc.) which includes, among other things, help filing temporary restraining orders, and court accompaniment if needed. CVAC also works hand-in-hand to assist criminal justice victim personnel.
- Assistance with the creation of Victim Impact Statements containing information about how victims are affected emotionally, psychologically, financially, etc. by the crime. These are read to the Court at the time of sentencing and follow a perpetrator through the criminal justice system.
- Information regarding statutory Crime Victim Rights in the State of Georgia. These rights help empower victims after suffering from a crime.
- Assistance with applying for, and information about, the Victim Compensation Program for Georgia (which helps cover medical, psychological and funeral expenses among other things).

- Information on managing life issues such as grief, stress, self care, PTSD, and what happens to the mind and body after a crime.
- Support groups and one-on-one consultation in person or online. CVAC can implement and terminate groups as needed. For example, if there were a number of crime survivors that might want to meet as a group (e.g., a crime event involving a number of people), CVAC can provide a support group as long as it is needed.
- Providing child care while attending groups, transportation to court and doctors' appointments when needed, hospital visits, and more.
- Referrals to other victim and non-victim service providers (shelters, attorneys, medical services, etc.).
- Informational seminars and online videos regarding issues related to crime victims.
- A bimonthly newsletter for both victims and service providers.
- An annual memorial service for people who have lost loved ones to homicide.
- A pastoral care division available to work with victims' spiritual needs.

**"The friend who can be
silent with us in a moment
of despair or confusion,
who can stay with us in
an hour of grief and
bereavement, who can
tolerate not knowing...
not healing, not curing...
that is a friend who
cares."**

Henri Nouwen



GEORGIA CRIME VICTIM'S RIGHTS

The Georgia Constitution (Art. I, Sect. I, Paragraph XXX) & Georgia Crime Victims Bill of Rights (O.C.G.A. 17-17-1, et seq.)

Declare that victims of certain crimes and delinquent acts be accorded certain basic rights. These rights include, but are not limited to:

The RIGHT to be treated fairly and with dignity by the criminal justice system.

The RIGHT to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused.

The RIGHT to reasonable, accurate, and timely notice of any scheduled court proceedings.

The RIGHT not to be excluded from scheduled court proceedings involving the alleged act.

The RIGHT to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused.

The RIGHT to be informed of ALL rights included within the Georgia Crime Victims Bill of Rights.

The RIGHT to restitution and compensation as provided by law.

If a victim's constitutional right is denied, **the RIGHT** to assert these rights by filing a motion with the same court that is handling the criminal or delinquent proceeding. [Marsy's Law (Article I, Section I, Paragraph XXX)].

It is the **RIGHT** and the **RESPONSIBILITY** of any victim who desires notification under this chapter or any other notification statute to **“OPT IN”** to the notification process and **KEEP ALL CRIMINAL JUSTICE AGENCIES INFORMED OF CURRENT CONTACT INFORMATION.**



"The road continues, there are still pages to read, sunrises to see and mountains to conquer. Don't give up."

Maxime Lagacé

VICTIMS' COMPENSATION REPORTING, REQUIREMENTS, AND FILING DEADLINES

- The victim/witness must have reported the crime to the proper authorities within 72 hours of the crime, (unless good cause is shown).
- For crimes occurring prior to July 1, 2014, an application must be filed within 1 year of the crime, unless good cause is shown (a claim submitted 3 years after the victimization cannot be considered).
- For crimes occurring on or after July 1, 2014, the victim/witness must file a claim within 3 years of the crime or the death of the victim. However, if the victim is a minor at the time of the victimization, he or she can file an application until 3 years after his or her eighteenth birthday. If good cause is shown, the Board may extend the time for filing a claim.

WHO MAY QUALIFY FOR VICTIMS' COMPENSATION

YOU MAY QUALIFY IF YOU...

- ❖ Were physically injured or witnessed a violent crime.
- ❖ Suffered serious mental or emotional trauma as a result of being threatened or being present during a violent crime.
- ❖ Were hurt trying to help a victim.
- ❖ Are the parent or guardian of someone who was killed or injured as a result of a violent crime.
- ❖ Depended on someone for financial support who was killed as a result of a violent crime.
- ❖ Are not the victim, but have been paying bills related to the crime.
- ❖ Have a child who was the victim and you relied on the offender for financial support.
- ❖ Were the victim of family violence who relied on the offender for financial support.

CRIME VICTIMS COMPENSATION - WHAT IS NEEDED TO APPLY?

This is a reimbursement program - Payment can be made 2 ways after a claim has been opened and approved: a) victims are reimbursed directly after paying the covered item themselves; or b) the covered expense may be paid directly to the provider.

What is needed: a) A copy of the police report for the crime; b) itemized receipts for the covered item; and c) in the case of a homicide, a copy of the death certificate.

What happens after application is made: After a) completed application, b) a police report, c) itemized receipts and, d) if the crime is a homicide, a copy of the death certificate have been submitted, the Compensation Board will review the claim and either open it, or deny it, in which case an appeal may be filed.

WHAT IS COVERED?

MEDICAL AND DENTAL EXPENSES UP TO \$15,000

- ✓ This includes prescriptions and copays.

LOSS OF INCOME OR SUPPORT Up to \$10,000

- ✓ You are the victim and were gainfully employed at the time of the crime and suffered a loss of income due to the victimization.
Please Note: You can only be reimbursed when you missed work and were not paid, or your wages were only partially covered.
- ✓ You are the custodial parent/legal guardian of a minor victim or developmentally disabled adult and you missed work because of the victimization. Please Note: You can only be reimbursed when you missed work and were not paid, or your wages were only partially covered.
- ✓ You were gainfully employed and suffered a loss of income due to attending court proceedings and/or meetings with investigative agencies (For example, law enforcement, Division of Family Services, etc.) or Prosecutor's offices when not subpoenaed.
- ✓ You are an eligible spouse or dependent who relied on the deceased victim for financial support.
- ✓ You are a victim of family violence who is legally dependent for his or her financial support by the adult offender who contributed to the household income. The following categories may be considered a legal dependent: spouse, child, or a person covered under the offender's health insurance or listed as a dependent on the offender's Federal Tax Return Transcript.
- ✓ You are the parent, child, or spouse (including step relationships) of a deceased victim who was gainfully employed at the time of the crime and suffered a loss of

- ✓ income due to bereavement. As of July 1, 2019 siblings (and step-siblings) are also eligible for this benefit.

MENTAL HEALTH COUNSELING up to \$3,000

- ✓ Submit copies of any itemized counseling bills related to the victimization.
- ✓ The counselor must be licensed and in good standing with the appropriate licensing board.
- ✓ A completed, notarized Psychological Service Report is required for reimbursement beyond one session.
- ✓ Funeral Expenses Up to \$6,000.
- ✓ Submit an itemized funeral bill, a signed death certificate, and a receipt indicating the amount you paid (if applicable).
- ✓ Note: For crimes prior to May 6, 2015, the categorical cap is \$3,000.

CRIME SCENE SANITIZATION Up to \$1,500

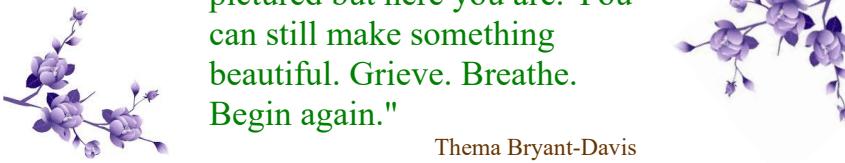
Submit an itemized bill from a company trained in crime scene and biohazard clean-up. Please note: mileage is not an eligible expense.

Mail the complete Crime Victims Compensation application packet to:

Criminal Justice Coordinating Council
Crime Victims Compensation Program
104 Marietta Street NW, Suite 440
Atlanta, GA 30303
Phone: (404) 657-2222
Website: crimevictimscomp.ga.gov

IF YOU SEND YOUR APPLICATION BY MAIL, KEEP COPIES OF EVERYTHING YOU SEND TO THE COMPENSATION BOARD AND, IF POSSIBLE, SEND ALL DOCUMENTS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.





"This is not the life you
pictured but here you are. You
can still make something
beautiful. Grieve. Breathe.
Begin again."

Thema Bryant-Davis

HOW THE CRIMINAL JUSTICE PROCESS WORKS

The **Georgia Criminal Process** can be overwhelming and complicated so here are some things to understand:

Arrest: Being detained by a member of a law enforcement agency and taken to jail.

Preliminary Hearing / First Appearance: This is when the judge decides whether there is enough evidence to force the defendant to stand trial.

Arraignment or First Appearance: The start of the formal prosecution of a case, also called an initial hearing or initial appearance where the defendant is informed of the charges.

Bond: Refers to posting of money for the defendant to be released. If no bond is assigned at the first appearance, a defendant who has been denied bond is entitled to have his or her case presented to the grand jury within 90 days from the arrest date. Furthermore, if a defendant cannot afford the assigned bond amount, he or she will be granted a hearing after 90 days to readdress the bond amount.

Committal Hearing: Similar to preliminary hearing, committal hearings are held to determine if someone can be held in jail either pending bond or without bond in serious cases. The judge will determine whether there is probable cause that the accused is guilty of the charged crimes.

Bench Warrant: A warrant issued by the judge after a person fails to appear from court. Generally, bench warrants do not come with the police knocking on someone's door. Instead, the person's name goes into a computer system and if he or she is ever stopped by the police, they will be taken into custody for the outstanding bench warrant.

Grand Jury Indictment: Is a formal charge or accusation of a serious crime. Georgia reserves grand jury indictments for capital offenses. The grand jury decides whether there is enough evidence

to allow the defendant to be criminal prosecuted. The length of time for the process to conclude can take up to 2 years for a felony charge.

Calendar Call: Calendar call is a court appearance where the parties inform the judge of the status of the case. It includes what the estimated length of trial will be, whether an agreement has been reached, or the number of witnesses that may be called. The purpose of the calendar call is to help move cases along.

Demand for a Speedy Trial: The Sixth Amendment of the Constitution and Georgia law both outline a defendant's right to a speedy trial.

Pretrial Conference: Is a meeting of the parties before trial.

Bench Trial: Only the judge hears and decides the case.

Jury Trial: Jurors decide whether the accused is innocent or guilty.

Discovery Motions: Discovery is a procedure where the parties obtain evidence from the other parties. For criminal cases, the evidence requested can include: police call logs, witness statements, medical records, and photographs of the crime scenes.

Motion for New Trial: Can be filed by either the plaintiff or the defendant. The motion must be filed within twenty-eight days of the conviction and sentencing.

Motions in Limine: Is a motion where one side attempts to prevent the other side from using certain evidence. While most motions must be filed at a certain time or else you waive that motion, motions in limine can be done at any time. If the motion is granted, then the evidence cannot be presented in court.

Motions to Suppress: Request that the judge exclude certain evidence from trial. It is a motion presented by the defendant. Motions to suppress are filed before a trial.

Plea Bargains: Are a common way of reaching a conclusion in criminal cases. A plea bargain is a settlement between the parties in a criminal case.

Rules of Courtroom Conduct and Behavior: When going to court in Georgia, an important part is your dress and behavior. You will be judged on your appearance and your behavior and it is important to make sure you are putting your best foot forward to present yourself and/or support the victim.

THE VINELINK PROGRAM: HOW DO I TRACK AN OFFENDER AFTER TRIAL IF HE/SHE GOES TO JAIL/PRISON

"VINE", ("Victim Information and Notification Everyday") is a free service through which victims of crime can use the telephone or Internet to search for information regarding their offender's custody status and register to receive telephone and e-mail notification when their offender's custody status changes. It is active in 46 states and each state has its own, toll free, telephone number. After an offender has been sentenced, you can register and search for the custody status of an offender by the telephone number for that state or by the web using: www.vinelink.com.

You may register to receive notification for custody status changes only for offenders currently in custody.

If you're having trouble accessing VINELink, you may need to clear your browser cookies and temporary Internet files. **If you can't find a particular offender** please call the facility where you believe the offender to be housed and inquire about the status of his/her custody. **Not each and every county participates in the VINE program.** If your county is not listed, then it is currently a non-participating county. Contact your local jail for offender information. **VINE does not receive information regarding federal inmates.** You may go to the Bureau of Prison's website, www.bop.gov, and use the "Inmate Locator" feature. **VINE's Standard transaction time for offender status** is every 15 minutes for jails and twice each day for prisons, but this may vary. If you believe the data is out of date, please call the jail directly for an update and invoke your personal safety plan. **Do not depend solely on VINE or any other program for your safety.** **Charge and Warrant information are not available on VINELink.** **VINE does not track outstanding warrants.** **If you did not receive notification**, please verify that your contact information is correctly registered with VINE. Always check your "spam" folder. **Historical data on an offender is not available** through VINE. The program only tracks an offender's in-custody status and date of release. Offenders are deleted from the database usually within 2 weeks of release.

OTHER REMEDIES FOR VICTIMS

ADDITIONAL PROGRAMS WHERE VICTIMS MAY APPLY

DUI MEMORIAL SIGN: Pays the cost of erecting a sign in honor of a person killed on a Georgia highway by an impaired driver.

UNCLAIMED RESTITUTION: Provides access to court ordered restitution that has not yet been claimed by victims/businesses.

OFFICERS INITIATIVE: Supports law enforcement officers and the eligible family members of an officer who is killed or injured in the line of duty as a result of a violent crime.

CIVIL LAW REMEDY

TORT LAW: A tort is an act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability. In the context of torts, "injury" describes the invasion of any legal right, whereas "harm" describes a loss or detriment in fact that an individual suffers.

The primary aims of tort law are to provide relief to injured parties for harms caused by others, to impose liability on parties responsible for the harm, and to deter others from committing harmful acts. Torts can shift the burden of loss from the injured party to the party who is at fault or better suited to bear the burden of the loss. Typically, a party seeking redress through tort law will ask for damages in the form of monetary compensation. Less common remedies include injunction and restitution.



"Healing from trauma is not an intellectual exercise. You cannot simply think your way out of it. Your healing requires your full participation: spirit, heart, mind, and body."

Thema Bryant-Davis

SELF CARE IN THE WAKE OF TRAUMA

THE PROBLEM

Crime Anniversaries and the Holiday Season: A time when many of us feel or relive the aftermath of the trauma we experienced or the loss of a loved one(s).

Isolation: We feel, and actually are, isolated because of what has happened to us because others don't understand and may even avoid us because they don't know what to say or do.

The Covid or Other Infectious Disease: Living in fear of becoming sick, stress of knowing someone who is sick, isolation due to social distancing, wearing a mask which is cumbersome and blocks our ability to enjoy the smiles and facial expressions of others, being unable to gather socially in a relaxed manner.

Crisis of Faith: Some may experience a crisis of faith: Why did God let this happen to me?

Unmasking of Implicit Bias: Being treated differently due to color, race, or ethnicity.

Continued Stress from the aftermath of the crime can cause your world to seem really chaotic. Stress can cause memory, concentration and sleep problems.

No Mandatory Structure: Your daily routine has been destroyed whether you work or not. Your schedule has been disrupted and your routine lost.

Helping Your Children and Loved Ones Cope: can be stressful because you are dealing with your own emotions.

Loss of Financial Support: You may have financial problems due to fleeing abuse and domestic violence, injury due to the crime, or a homicide taking the life of someone who contributed to support financially.

Aftermath of the Crime - Grief: Whether it is you who suffered the crime or who lost someone dear to you through homicide, you must find a way to deal with your grief and rebuild your life.

This is only a partial list of things which can cause us to begin to live in the problem instead of the solution.

WHAT PROBLEMS DO THESE ISSUES CAUSE?

Living in the Problem: Too much time to focus on our problem. Focusing on the problem can become a habit, and we

then fail to notice anything good that occurs in our lives. This leads to chronic depression.

Somatic Complaints: You have heard the saying, "It sure is a pain in the neck or backside?" Well, medically speaking, this can be true. Many people's pain can be caused by or made much worse by stress. Such things as headaches, high blood pressure, over eating which can raise blood sugar, and much more can be caused by stress.

LIVING IN THE SOLUTION, NOT THE PROBLEM

There are many things we can do to begin to live in the Solution:

An Attitude of Gratitude: When you get up, ask yourself, "How good can it get today?" This may sound stupid, but IT WORKS!! Your cup is indeed half empty, BUT it is also half full! Ask yourself each morning how good it can get and then, at the end of the day, take an inventory of all the good things that happened such as the pretty weed nobly growing through the crack in the asphalt by the road, the a beautiful sunset, a person who lets you into traffic or who smiles warmly at you, the soft feel of your pet's coat. It really does work. Make this a habit and you can help reframe your life.



Playing in the sunshine.

Examining Your Spiritual Belief Crisis: There is a lot of information on the Internet regarding having a crisis of faith, and almost every church has clergy who can meet with you in person, on the phone, or on the Internet to counsel you regarding your faith. Please reach out if you are in this situation. Please feel free to contact CVAC if you want to speak to a trained person of faith.

Beginning New and/or Restarting Old Hobbies: It can be really refreshing and even exciting to take up a hobby or hobbies. Buy a plant to take care of, start a garden, try painting, music lessons, take up a hobby you always wanted to explore, try jewelry making, go camping.



Raised Vegetable Beds



Gardening in Containers

Online Social Groups: These should be centered around an interest you have such as photography, jewelry making, scrap booking, etc. Looking for credible, online groups that have similar interests to yours and join blogs to participate and learn.

Outdoor Activities: Walking, bike riding, hiking, tennis, fishing and many more outdoor activities allow for safe fellowship and conversation.



A quiet day at the lake.



Hiking with the family.

Have You Ever Thought About Getting a Pet? Sure it is a responsibility, but there is nothing more wonderful for some folks than having a pet in their lap so they can feel their warmth and absorb their love. There are sooooo many pets of all kinds that need homes and would bless you with their presence.



Wheelchair after Hit & Run w/the Comfort of Rescued Dog

Couch Potato

Establishing New Traditions: Each Christmas send cards or emails and write about your family's wonky activities over the prior year with great humor. Your friends will look forward to it every year. Talk about things like your party-girl grandmother disrupting the retirement community, your crazy sister who pulls all type of stunts, your weird work environment, etc. There are many things you can do to start your own traditions. A new tradition not only enriches your life, but the lives of others. Just writing someone a letter as opposed to a text or social media message can mean the world and make their lives brighter.

Miscellaneous Activities: Think outside the box. Have an online theme party of any type: funny hats, funny fuzzy shoes, sharing recipes, online learning from each other, and online discussions with themes such as gardening, making things, etc. Send out cute sayings and pictures to others to make them smile. You will smile just sending them out. Check in with friends you haven't been in contact with for a while and catch up with them.

Being fully present in the moment and one with whatever event or activity you're engaging in at the moment. For instance, while petting your dog or cat, putting all of your attention on that experience. Feel the softness of your pet's coat, watch the pet enjoy your attention, and being grateful for the companionship. **Not being fully present** would be you thinking about your "to do" list or how stressful your day will be at work while stroking your pet resulting in not fully enjoying the precious moment.

Conclusion: Each day, try to use some of the techniques suggested above to enhance your ability to live in the Solution. These really do work if you will give them a chance.



"Give yourself space and permission to feel, to grieve, to speak truth, to be speechless, to let go, to hold tightly, to mobilize, to be still, to be where you are. Your process doesn't have to match anyone else's in content or in time." Thema Bryant-Davis



**Call CVAC at any hour if
you need us. (770) 333-9254**