



LB 372: Supporting Survivors of Domestic and Sexual Violence and Sex Trafficking Through Reparations

"A crime victim's willingness to cooperate with law enforcement may be affected by compelling health or safety concerns including apprehension about personal safety, fear of retaliation, and intimidation by the offender or others. Crime victims may be reluctant to cooperate fully with law enforcement after receiving threats of violence or death against themselves and their families from the offender... Embarrassment, shame, and the psychological trauma may delay the reporting of sexual assault..." **Office for Victims of Crime, U.S. Department of Justice.**¹

The Nebraska Crime Victim's Reparations (CVR) program provides compensation to innocent crime victims for expenses related to their victimization.

The average medical costs for a victim of physical assault by an intimate partner is **\$2,665.**²

The cost for a rape victim seeking care in the emergency department is estimated to be \$2,251 and **exceeds \$24,000 when hospitalization is required.**³

LB 372 would strengthen our state's CVR program to address the unique considerations for victims of domestic abuse, sexual assault and sex trafficking, and better supports them in seeking justice, healing and reparations. The bill will make the Nebraska CVR program more accessible by:

- Lifting the requirement that victims must report the crime to law enforcement within three days.
- Eliminating the requirement that applications for CVR be notarized.
 - Notarization is an unnecessary barrier to access the program, as extensive review of evidence is conducted by a hearing officer before reparations are granted.

About the Nebraska Crime Victim's Reparations (CVR) Program:⁴

- Created in 1979 and administered by the Nebraska Crime Commission, the CVR program provides compensation to innocent crime victims for costs, such as medical expenses, counseling expenses, funeral expenses and loss of wages—up to \$25,000.
- A crime victim must submit an application to the program—including any documentation to support the claim, such as itemized copies of medical bills, copies of payroll stubs, employer documentation verifying work hours missed—which is then reviewed by a hearing officer for approval.
- The Nebraska's CVR program is funded through the federal Victims of Crime Act (VOCA), state General Fund appropriations and cash funds. The program awarded \$377,596 in claims in SFY 2018-2019.⁵

LB 372 aligns with the Women's Fund value of: **Bold Impact, Community Voice and Equity.**
To learn more about our mission, vision and values visit www.OmahaWomensFund.org.



Reasons a Survivor of Domestic and Sexual Violence May Delay Reporting:

Reporting Escalates Violence

The most dangerous time for a victim of domestic violence is when their abuser feels a loss of power and control, such as when a survivor contacts law enforcement.⁶ Victims of domestic violence typically suffer multiple incidents before they contact law enforcement or seek legal protections.⁷

The most common reason sexual assault victims give for not reporting the crime is fear of retaliation (20%).⁸

Safety Planning

Before reporting to law enforcement, victims often engage in safety planning to ensure their own safety and that of family members or friends. Implementing a safety plan can be an extended process depending on the victim's access to safe housing, a personal network of support, financial security and availability of supportive community services. It is critical that victims of this type of violence are given the time they need to protect themselves from possible retaliation before reporting to law enforcement.

Stigma and Shame

Victims of sexual assault, domestic abuse and sex trafficking are faced with the heavy societal stigmas associated with these crimes leading victims to cast doubt upon the nature of the abuse and blame themselves for the violence they have experienced. For many victims, it can take years to overcome this shame, come to terms with their abuse and accept it as a crime.

Trauma Response

Most victims of domestic and sexual violence and exploitation are left with trauma as a result of their victimization. For a period of time after a traumatic event, 'memory coding', or the ability to remember details, is often impaired and may cause victims to only retain minimal or 'first layer' information about their assault. Additional details are remembered as the body comes out of its trauma state, which typically takes a minimum of 72 hours and is enabled by multiple sleep cycles, feelings of safety and time.⁹ Requiring a victim to report to law enforcement within 3 days, means that they may not have access to memories of the trauma that are needed to provide to law enforcement.

¹ The U.S. Dept of Justice, Office for Victims of Crime, Victims of Crime Act Victim Compensation Grant Program, Final Program Guidelines, Federal Register, Vol. 66, No. 95, Wednesday, May 16, 2001, <https://www.govinfo.gov/content/pkg/FR-2001-05-16/pdf/01-12256.pdf>.

² National Center for Injury Prevention and Control, "Costs of Intimate Partner Violence Against Women in the United States," Department of Health and Human Services, Centers for Disease Control and Prevention, March 2003, <https://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>.

³ Cora Peterson, PhD, Sarah DeGue, PhD, Curtis Florence, PhD, and Colby N. Lokey, MS, "Lifetime Economic Burden of Rape Among U.S. Adults," National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Am J Prev Med. 2017 June ; 52(6): 691-701, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5438753/pdf/nihms849041.pdf>.

⁴ Nebraska Revised Statutes 81-1801 to 81-1842 and Crime Commission Rules and Regulations Title 80, Chapters 1-7 govern the operation of the CVR Program with Crime Commission staff providing administrative support.

⁵ Nebraska Commission on Law Enforcement and Criminal Justice, "Nebraska Crime Victim's Reparations Program - 28th Report," https://nebraskalegislature.gov/FloorDocs/106/PDF/Agencies/Crime_Commission/563_20200131-102702.pdf; 27th Report, https://nebraskalegislature.gov/FloorDocs/105/PDF/Agencies/Crime_Commission/563_20180206-082954.pdf; and 26th Report," https://nebraskalegislature.gov/FloorDocs/104/PDF/Agencies/Crime_Commission/563_20160121-092719.pdf.

⁶ Campbell, JC, et al. "Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study," American Journal of Public Health, 93 No. 7, (2003) 1092, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447915/>.

⁷ U.S. Department of Justice, Office of Justice Programs, "Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors, and Judges," June 2009, <https://www.ncjrs.gov/pdffiles1/nij/225722.pdf>.

⁸ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010 (2013), <https://www.bjs.gov/content/pub/pdf/fvsv9410.pdf>.

⁹ End Violence Against Women International (EVAWI), "Understanding the Neurobiology of Trauma and Implications for Interviewing Victims," (2016) <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=842>.