

Crime Victim Fund Procedures

This Administrative Order is to establish procedures for administering the Pokagon Tribal Court *Crime Victim Fund* for those crimes, which have been adjudicated, and in those circumstances when a crime victim cannot be made whole by court-ordered restitution or by other means. The *Fund* is geared toward ensuring that victims are provided financial assistance for crime-related expenses that cannot be reimbursed by other sources. There shall be no entitlement to disbursement of any funds created by this Order.

Section 1. Scope and Purpose.

- A. **Scope.** The Court establishes this *Crime Victim Fund* which is available to any person victimized by any Tribal criminal offense committed on reservation land. The *Fund* will provide limited financial assistance for victims during a period of hardship as a result of the Tribal criminal offense when the hardship cannot be addressed by other means, such as insurance and restitution.
- B. **Purpose.** The purposes of the *Fund* and this *Order* are to:
1. Provide disbursements to or on behalf of a crime victim for crime related expenses that are minor in nature and not subject to reimbursement by other means; and
 2. Develop a system which fairly determines the disbursement of funds to victims.

Section 2. Definitions.

- A. "Crime" means a criminal conviction pursuant to the *Pokagon Band of Potawatomi Indians Code of Offenses*.
- B. "Victim" means any of the following:
1. An individual who suffers direct or threatened physical, financial or loss of property as a result of the commission of a crime;
 2. A parent, spouse, guardian or custodian of a victim who is less than 18 years of age, or of a victim who is so mentally incapacitated that he or she cannot meaningfully understand or participate in applying for *Fund* disbursement; or

3. If the victim is deceased, the executor of the estate may request distribution be made to the victim's estate.

Section 3. Eligibility.

- A. The crime must have been committed on reservation land.
- B. The victim must be able to demonstrate a need that their own finances or other sources are unable to cover.
- C. The victim must provide supporting documentation to be considered by the *Fund* administrator which includes, but is not limited to, the following:
 1. Receipts of expenses paid by or on behalf of the victim as a result of the crime;
 2. Estimates for repair or replacement of property;
 3. Unpaid bills resulting from the crime;
 4. Photographs;
 5. Any other similar documentation that demonstrates the result of a crime and represents the need for disbursement; or
 6. Any other documentation requested by the *Fund* administrator.

Section 4. Deadline to File Request. A victim shall complete an application requesting disbursement, which shall be made available by the Court, accompanied with supporting documentation, within 30 calendar days of the conviction of the related crime defendant(s).

Section 5. Disbursement Principles.

- A. Any disbursement shall be as fair as possible to the victim.
- B. The *Fund* shall not make a disbursement with respect for a loss for which the victim has received compensation, including insurance, for the loss to the extent of the compensation paid.
- C. Any restitution awarded to the victim, after receiving a disbursement from the *Fund*, shall be applied to reimburse the *Fund* for the amount awarded.
- D. If any duplicate payment, including insurance, is later awarded or provided for the victim for the *Fund* covered expenses, he or she shall be responsible for remitting the amount that was paid from the *Fund*.
- E. Disbursement to the victim, or to a third party, includes, but is not limited to:

1. Personal property damage;
2. Vehicle rental;
3. Travel costs;
4. Minor property repairs;
5. Limited child care payments; and
6. Reimbursing a local domestic violence program for emergency shelter services provided to the Victim and other household members.

Section 6. Disbursement Considerations.

- A. The *Fund* administrator, in determining whether to approve disbursement under Section 5 and the amount of that disbursement, shall consider the amount of the loss sustained by any victim as a result of the offense, any restitution payments charged to the defendant, the financial situation of the victim, the availability of funds, and such other factors he or she considers appropriate.
- B. The *Fund* administrator shall determine the amount to be disbursed from the *Fund* and to whom the money shall be disbursed. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the victim.

Section 7. Administration and Disbursement.

- A. The *Fund* administrator shall review and determine all requests for disbursement from the *Fund*.
- B. After an application is submitted, a decision regarding whether or not to grant a *Fund* disbursement request will be reached within 14 calendar days.
- C. Once a decision is reached, the *Fund* administrator will provide a recommendation to the Court, including a disbursement amount, if any, accompanied with supporting reasons.
- D. The Court shall then issue a final signed order notifying the victim of the decision.
- E. A portion of the civil or criminal penalty revenue collected by the Tribal Court will be allocated to the *Fund* for the purpose of accumulating funds to be used when necessary to provide assistance to victims of a crime.
- F. One hundred percent (100%) of funds collected for disbursement shall be held in the *Crime Victim Fund*.

- G. After an order for disbursement is entered, the *Fund* administrator shall submit a check request to the finance department for issuance of payment to persons or entities for which payment has been approved.
- H. Claims may be approved for assistance up to a total of \$1,000.
- I. The *Fund* administrator shall first make disbursements to a third party if the supporting documentation indicates an outstanding bill, a payment made on behalf of the victim, or provides an estimate for future work, where payment may be made directly to that third party. If the documentation indicates that the victim has already paid a bill or expense then disbursement may be made directly to him or her.
- J. The financial assistance may be limited or unavailable depending on resources and is dependent upon the applicant proving necessary and required documentation to support the need.

05/07/14

Date



Michael Petoskey
Chief Judge

JUDICIAL HISTORY

ADOPTION

On May 7, 2014: Administrative Order14-006-TC was adopted by the Chief Judge of the Tribal Court.