

Subscribe to The Trace's Newsletter

x Close

The Trace

February 24, 2018

- Facebook
- Twitter
- Email



Ernest Edmonds, Jr., survived a shooting in 2015 in Newark, New Jersey. [Photo: Demetrius Freeman for The Trace]

SHOT AND FORGOTTEN

States Set Aside Millions of Dollars for Crime Victims. But Some Gun Violence Survivors Don't Get the Funds They Desperately Need.

by Elizabeth Van Brocklin · @elizvanbrocklin · February 12, 2018 · Updated February 13, 2018 5:04 pm EST

Hours after a gunman killed 58 people and injured hundreds more in Las Vegas last October, donations for victims and their families began pouring in. A [GoFundMe](#) campaign launched by local leaders would raise \$11 million in three weeks. Uber [gave free rides](#) to blood-donation sites and hotels [offered complimentary rooms](#) for relatives. One group of hospitals treated 71 victims, then promised to [waive all of their medical bills](#).

The influx of relief for mass shooting victims is not unique to Las Vegas: at least [\\$28 million](#) was donated after the massacre in Newtown, Connecticut; [\\$2.4 million](#) after San Bernardino; [\\$31 million](#) after Orlando.

Yet mass shootings, despite the attention they receive, are not the norm. Each year, tens of thousands of people are wounded in incidents of gun violence that have become almost routine. The injured are disproportionately young black men, who have [few services specifically geared to support them](#) in the jarring wake of violence. Some victims require extensive therapy to relearn how to write, speak, or walk. There may be follow-up surgeries to remove bullet fragments, treatment for pain and infections, and counseling for stress, anxiety, and depression. Some miss work because of their injuries, or can't work at all. Roughly [one third](#) of hospitalized gunshot patients are uninsured.

A resource does exist to help vulnerable crime victims, including gunshot survivors, though many never tap into it. Victim compensation programs in every state reimburse victims and their families for expenses like medical bills, mental health counseling, lost wages, and funeral costs. Revenue for the state-run programs comes from offender fees and fines, along with federal grants under the Victims of Crime Act, or VOCA. In 2016, compensation programs [paid more than 250,000 claims](#) totaling more than \$348 million, according to federal data.

Victim advocates, anti-violence activists, and social workers interviewed by The Trace said that victims of violent crime face numerous hurdles in applying for the funds. They say that for traumatized victims, the eligibility criteria can be daunting, the applications toilsome, and processing times long. Even the most basic requirements to receive compensation, like reporting the crime to law enforcement, can deter victims, especially those from neighborhoods where distrust of the criminal justice system runs high.

Most vexing, advocates say, is that state laws that govern compensation programs can ultimately exclude people at the highest risk of being shot. While black

men disproportionately experience violence, they are also more likely than whites to have been convicted of a felony, which in some states can disqualify people from receiving funds.

Victim compensation "is set up to really help victims, and yet it's ironic, because it often really adds to the pain that they are going through," said Alicia Boccellari, a clinical psychologist and founder of the University of California-San Francisco's Trauma Recovery Center, which provides mental health services and case management for violent crime survivors. "It puts a lot of expectations on them, when they really have so few inner resources to deal with all this. Sometimes the victim ends up feeling further victimized."

Project

Shot and Forgotten

Reporting on America's ignored population of gunshot survivors.

- **States Set Aside Millions of Dollars for Crime Victims. But Some Gun Violence Survivors Don't Get the Funds They Desperately Need.**
- **Listen as Gunshot Survivors in New Orleans Open Up About Chronic Pain and Unequal Medical Care**
- **What It Costs to Treat Gunshot Wounds in Hospitals**
- **Gunshot Survivors Describe What May Lie Ahead For Las Vegas's Wounded**
- **I Was Shot 47 Years Ago. I Still Haven't Healed.**
- **Here's How Medicaid Cuts Would Imperil Healthcare for Gunshot Victims**
- **What It's Like to Get Shot and Survive**
- **Trump Budget Would Shrink Crime Victims Fund by \$1.3 Billion**
- **I Was Shot 9 Times. I Can Barely Walk Around the Block, Let Alone Earn a Living Wage.**
- **To Reduce Shootings, Hospitals Vow to Treat the Wounds Doctors Can't Fix**

As part of my ongoing reporting on gun violence, I interviewed more than two dozen gunshot survivors and loved ones of homicide victims to better understand how the compensation system fit into their experiences. About half had not applied for compensation in the first place. Several had misconceptions about the existence of compensation and how to access it. Some felt that pursuing compensation would be a waste of time — one likened victim compensation to "an urban legend." Others said they were denied because they did not meet their state's eligibility criteria.

Kellie Cors-Atherly's 13-year-old son Todd was killed in Pleasantville, New Jersey, in 2012. She didn't know about compensation until it was too late to apply, and says she dipped into her savings in order to move to a safer neighborhood. "If I would have known there was relocation money, if I would have known there was counseling money, yes, I would have applied for it," she said.

Cors-Atherly now runs a local nonprofit to support survivors of violent crime, work that includes spreading the word about compensation. "A lot of the families I've come across, they don't even recollect having someone from victim compensation reach out to them," she said.

Navigating the compensation process from a wheelchair

On the morning of December 13, 2015, Ernest Edmonds, Jr., was leaving a club in Newark when, he says, a man asked him for a cigarette. According to Edmonds, the man tried to rob him, and as he fought back he heard a loud crack. Looking down, he saw red blooming through the stripes of his Houston Astros baseball jersey. He then blacked out. Hours later, police found Edmonds on the ground with a cut lip and a gunshot wound to the back. Halfway down the block, an officer discovered his hat, lighter, and watch in a pool of blood.

Edmonds, 35, awoke from a coma several weeks later to find he was paralyzed from the waist down. The bullet had pierced his back, only to be stopped by his spine.

"Figure you got 32, 33 years of walking, and then you're just not walking anymore," he said "It's completely different." Before the shooting, he'd lived in his cousin's peach-colored house in East Orange, New Jersey. Thirteen steps led to the front porch. Then two more flights to reach his bedroom. Now reliant on a wheelchair, Edmonds wondered, *How am I going to do this?*

At the physical rehabilitation center, Edmonds heard there was financial assistance for crime victims like him. He searched online and found a phone number for New Jersey's Victims of Crime Compensation Office. In his state, eligible victims may receive up to \$2,500 in relocation expenses, and up to 104 weeks of lost earnings, among other benefits.

Edmonds says he would use the money to pay for his own place and make up for lost income. "I need it so much," he said. "It could help me getting into a wheelchair-accessible apartment. It could help with a lot of backed-up bills. I can't do for my kids like I used to." Since he was a teenager, Edmonds worked for a family-operated construction business, where he said he made around \$650 per week. He now has to make a \$766.25 disability check last the whole month.



A shooting in 2015 left Ernest Edmonds, Jr., paralyzed and isolated. He misses attending family gatherings and picking his sons up from school. He's now staying in the living room of his mother's apartment, but hopes to move into a wheelchair-accessible home of his own soon.

After talking to New Jersey's compensation office, Edmonds received a blank application and started to fill it out. The application asks crime victims to include supporting documentation, including copies of itemized receipts, bills, insurance information, and work pay stubs. "It's like a list of 15 things that they're asking for, and I was only able to obtain, like, six of them," Edmonds recalled. Stuck, he set the form aside.

One morning last November, Edmonds shifted on a special mattress prescribed to help prevent bedsores. His makeshift bedroom had taken over the dining room of his cousin's house, where swaths of fabric covered the windows. He used a claw-grabber to lift a bottle of Sprite from a nearby table. Cloying incense mixed with smoke from Edmonds' cigarettes, which he chain-smoked; talking about what had changed since the shooting made him feel stressed.

"It's like a prison in here. He can't get out, he can't move around," said Nicole, Edmonds' younger sister. "He might as well board up the windows and soak away."

The shooting transformed Edmonds' life. He lost the ability to bathe or dress on his own. While living in his cousin's house, he rarely left except for doctor's appointments, and then he needed two or three people to bump him in his wheelchair down the front steps. To get something from his old room, his cousin would have to FaceTime him from the third floor. "Being dependent on so many people, I think that's the hardest thing," he said. "Without my family, my sister, seeing my children, I really might have given up."

Last spring, a former roommate saw Edmonds struggling and encouraged him to restart the victim compensation process. They filled out the application together and enlisted the help of a local lawyer. Still, there were roadblocks — Edmonds could not easily go down to the police department to get the incident report, so he had to wait months for the detective to bring it to him. At one point someone stole his phone and he lost all his contacts, including the number for the lawyer.

December marked the two-year anniversary of his shooting. That month he moved to his mother's apartment, where there are no steps to get in the front door. He can move around more easily there, but it's still hard to take a shower on his own; the counters and cabinets are not built for someone in a wheelchair. On Christmas Day, he stayed home and watched basketball while his family celebrated at his grandmother's house. Afterward, his sister brought him a plate of food.

As of this article's publication, his application had not yet been submitted.

Victims question eligibility criteria

States began establishing victim compensation programs in the 1960s, to extend a financial lifeline to victims and incentivize them to report crimes. In 1984, Congress enacted the Victims of Crime Act, which created a federal fund to supplement state compensation efforts and also support agencies and organizations that work on behalf of crime victims. At the beginning of 2018, the fund's estimated balance was \$11.8 billion. Just a portion of that will ultimately go directly to victims.

Compensation funds are designed for the most vulnerable, those who've exhausted all other options for covering their expenses. It is a "payer of last resort," meaning it only fills gaps other financial resources don't cover. "If a person has any type of insurance, even if it's Medicaid, we can't do a whole lot for them," said James McCurtis, manager of the Division of Victim Services in Michigan. "We're limited by statute in terms of what we can do."

Those limits can end up excluding people who say they desperately need help.

Rita Jolly of Southfield, Michigan, says her state's compensation program failed her. In 2013, her son Terry was murdered on the

VICTIM COMPENSATION, BY THE NUMBERS (2016)

250,597
applicants

\$348 million
total compensation paid

\$1,466
average claim payment

playground of his old elementary school in Detroit. In her grief, Jolly had to take a personal leave from work, without pay. She eventually received money for the burial through her son's life insurance policy, but it did not cover the extra expenses: the flowers, funeral programs, and clothes Terry would be buried in — gold and blue hoodie, pants, and socks, representing his love of the University of Michigan's basketball team. "I couldn't dare put him in a suit, because he didn't wear a suit," Jolly said. "He was a 16-year-old kid!"



Rita Jolly's children, Terry Jones, Jr., and Shalita Renee Hunter, were killed in separate incidents of gun violence three years apart.

36 percent
of paid claims go to assault victims

Source: [Office for Victims of Crime](#)

To cover those costs, she turned to victim compensation. But the insurance policy made her ineligible, and her claim was denied. "Even though a person has an insurance policy, it's other expenses that come along with death that the crime victim compensation could have helped with," she said.

Compensation applications may be denied or closed [for a number of reasons](#), the most common being "incomplete information," followed by "ineligible application" and "ineligible crime," as defined by the Office for Victims of Crime, which administers federal VOCA grants to states. Every state has its own appeals process, but there are no current national figures on how many denied applicants pursue it.

Three years later, Jolly confronted the unthinkable: Her daughter Shalita was found in the street in the city of Pontiac with a gunshot wound to the head. This time Jolly did not bother applying for compensation. "I kept all my receipts and everything, but I never followed up," she said. "Why waste my time when they denied me for the first one?" To pay for her daughter's funeral, she says her family depended on contributions from friends, coworkers, and a GoFundMe account. Even then, it still wasn't enough to buy a headstone.

Few state programs track victims of gun violence

Jolly belongs to a group of mothers of homicide victims who've [spoken out](#) about their state's eligibility criteria, which they say is too strict and capriciously applied. Others around the country have voiced similar complaints. An [investigation](#) published last year by the *Dayton Daily News* revealed that among the thousands of victims in Ohio denied compensation annually, some were rejected because of criminal or drug histories, even if neither played a role in the crime that left them needing assistance. ([Ohio](#) is one of [several states that restricts](#) people with felonies from getting compensation payouts.) In [Pennsylvania](#), victim advocates claim that black families are being denied because of illegal activity on their murdered children's records.

In 2016, an estimated [1.4 million people](#) ages 12 or older experienced at least one serious violent crime, defined as sexual assault, rape, robbery, or aggravated assault, according to the Department of Justice. It is impossible to know how many of those victims could benefit from compensation. The same year, a total of about [204,000 individuals](#) identifying as direct survivors of violent crime applied for compensation.

Three years ago, the Office for Victims of Crime began [requiring states to report](#) more detailed demographic information. The data the office has collected [reveals some patterns](#): Applicants tend to be female, white, and between the ages of 25 and 59. However, the office's reports do not provide the same details about compensation recipients, meaning it isn't possible to identify trends in approvals or denials among certain groups. Most victim compensation programs — like many American cities — do not distinguish gunshot victims from other kinds of assault victims.

Exceptions include the Ohio Victims of Crime Compensation Program, [which breaks out gun homicide](#) as a specific category, and the Louisiana Crime Victims Reparations Program, which marks cases that involved firearms. Statistics obtained by The Trace reveal that compensation goes to a small portion of the overall number of shooting victims in Louisiana. In 2016, the compensation board made rulings on 161 firearm-related cases from all over the state, of which 149 were approved. That year, more than [580 people](#) were shot in New Orleans alone.

Misconceptions about the funds

Roughly half of the gun violence survivors I spoke with hit barriers before even starting an application. Some described victim compensation as a mythical benefit they'd heard about but had seldom seen work in real life. Loved ones of homicide victims described being too grief-stricken to follow through with the process, or reluctant to appear as though they were begging for a handout. A couple of gunshot survivors said they were interested, but had no idea how to start the process.

Isiah Johnson was shot in Milwaukee twice within one year. He did not apply for compensation. "Both times nobody contacted me," he said. "Nobody ever said where or how to do it." Nicole Byrd of Absecon, New Jersey, needed help with funeral

WHAT'S COVERED UNDER VICTIM COMPENSATION?

Rules vary state by state, but all offer funds for:

expenses after her son was murdered in 2010, but said a conversation at the prosecutor's office left her thinking her state's compensation program doesn't help families of gunshot victims. (It does.) Roy Brumfield, shot eight times in New Orleans on two separate occasions, didn't believe victim compensation was available in his city. "They don't do that in New Orleans," he said. (Louisiana's program serves residents statewide.)

Perhaps the most fundamental flaw of compensation programs is how few crime survivors know that they exist. "Because victim compensation is not as well-known as other forms of compensation (i.e., workers compensation), lack of awareness is often the primary obstacle that victims and survivors must overcome," wrote Douglas Evans, a researcher at the John Jay College of Criminal Justice [in a 2014 report](#). A [survey of California crime survivors](#) conducted a year earlier showed that one in three was unaware of victim compensation.

Victim compensation programs have long been tied to the criminal justice system. In order to qualify for compensation, victims must report the crime; they also often need to obtain a police report to include with their application. But only **60 percent of firearm violence** is ever reported, and shooting victims fearing retaliation may be reluctant to interact with police. "When the only portal into compensation is law enforcement, and you have violence in communities where there's already a perception of mistreatment by police, that leaves a lot of victims without a way to get help," said Stacey Wiggall, a clinical social worker and technical assistance administrator at the Trauma Recovery Center in San Francisco.

From the policing side, law enforcement officials are required to notify victims about compensation in at least **two-thirds** of states, but there's evidence that this doesn't happen consistently. Alabama's compensation program, for instance, [reported](#) that "many police jurisdictions are still reticent to inform victims of their constitutional rights to receive information on crime victims compensation."

Support Our Work

Help us tell the story of America's gun violence crisis.

[Donate Now](#)

Even when the information is given, it can be lost to the moment. "Sometimes in the swirl of the incident, our advocates are giving a lot of information and I can imagine that some families or individuals are just not digesting that information," said Katherine Carter, a spokeswoman for the Essex County Prosecutor's Office in Newark, New Jersey.

Compensation administrators acknowledge that there is a gap between the total number of victims and those who apply. "We run a program that people generally aren't aware exists until they need to know it exists," said Robert Hamill, administrator of Iowa's Crime Victim Compensation Program. He said the responsibility to notify victims falls to advocacy organizations, law enforcement, and prosecutors — with the largest share falling to his own staff. "We have an obligation to make sure that people know that we're out here to help them," he said.

Wading through red tape with a broken jaw

Accessing compensation requires an applicant to be enterprising and organized at a time when it may be hard just to get out of bed. Claudiare Motley of Charlotte, North Carolina, was [shot during an attempted carjacking](#) while visiting Milwaukee for his high school reunion in June 2014. The bullet blew a hole through his jaw. He learned about compensation from a liaison in the hospital and sent off his application eight months later. After his third surgery, his insurance carrier dropped him, leaving him truly desperate for financial aid. Wisconsin's compensation program told Motley he was eligible, but advised that he would have to wait to receive all his medical bills before they could determine a payout.

"The bureaucracy is so thick and there are so many financial and emotional stressors during that time that take your attention away," said Motley, 46. "Sometimes they don't get back to you right away. Sometimes they're very short with you. It can become very frustrating."



Claudiare Motley has undergone multiple medical procedures since a bullet destroyed part of his jaw.

Despite the frustrations, Motley was fortunate to have resources to help him persist. Six months after he was shot, he graduated from law school. He read the

victim compensation statute and learned about victims rights in Wisconsin. Between infections and surgeries to rebuild his jaw, he juggled phone calls with the hospital, the compensation office, the insurance company, and creditors.

As he waited to hear about his claim, his case was passed from one person to another to another. Motley kept at it, at one point driving to the compensation office in Madison so he could check on his application in person.

DATE	DESCRIPTION	CHARGES	INSURANCE	PAYMENT	BALANCE
02/08/18	Admission to HOSPITAL Patient: CLAUDIARE MOTLEY Location: FROEDTERT HOSPITAL, Service: CDR 740000001	\$500.00	\$0.00	\$0.00	\$500.00
02/08/18	Admission to HOSPITAL Patient: CLAUDIARE MOTLEY Location: FROEDTERT HOSPITAL, Service: FROEDTERT HOSPITAL	\$67,387.00	\$0.00	\$0.00	\$67,387.00
					\$67,887.00

*One of
Motley's
hospital
bills,
totaling
\$34,885.*

"I definitely feel that I had a distinct advantage," Motley said, referring to his tenacity with the process. "I could have easily fallen through the cracks."

Nearly two years after he applied for compensation, Wisconsin's program paid his dentist, doctor's office, and hospital a total of \$40,000 — the state's maximum award. Motley says the money was both a "godsend" and a "drop in the bucket."

As of early February, Motley had undergone 10 surgeries and procedures. He estimates he still owes \$130,000 in medical bills.

Making compensation available to more victims

In 2015, the International Association of Chiefs of Police launched a national project to train law enforcement on how to improve victims' access to compensation. At the state level, Nevada passed a bill to allow undocumented immigrants to receive compensation. In Massachusetts, a proposed measure would ease the rules about whether funds can go to a victim or to family members if the victim contributed to his or her own injuries.

Gaps remain when it comes to addressing the specific needs of gun violence victims. Among 11 compensation offices The Trace reached out to, only Iowa's program responded saying it targets outreach toward those victims. California's program, which administers the oldest and largest fund in the country, has pledged to improve access for underserved victims, including "communities affected by gang violence." The program also administers grants to support trauma recovery centers, which provide victims with mental health treatment and practical assistance, including help applying for compensation. Ohio recently followed California's lead, and has seven trauma recovery centers currently in development.

HOW DO I APPLY?

Each state runs its own program. To find information about yours, select your state.

"There is this money that's just sitting there and underutilized because people don't know about it or are unable to access it," said Jennifer Alvidrez, a program official at the National Institute on Minority Health and Health Disparities, who evaluated California's victim compensation program in the past. "It's kind of a no-brainer to make that money more accessible to the people that it's really there for."

Are you a survivor of gun violence with a story to share about victim compensation? Email me at evanbrocklin@thetrace.org.

An earlier version of this story misstated the timeline of gunshot victim Claudiare Motley's victim compensation application and payment. The Wisconsin compensation program received his application eight months after his injury, and paid him compensation two years later.

Support Our Work

Help us tell the story of America's gun violence crisis.

Donate Now