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VICTIM COMPENSATION AND THE ELDERLY:

THE PROGRAMS IN PRACTICE

A FOLLOW - UP REPORT

NCJRS

JAN 18 1980

ACQUISITIONS

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# Criminal Justice & the Elderly

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SM  
FYI  
SLP

Dear Skip:

Following our telephone conversation today, I am sending nine new reports produced by the CJE program for you to enter into the NCJRS data base. The reports are:

- standing  
HUD  
volume
- (1) Anti-Crime Programs for the Elderly: A Summary Evaluation Report by Lawrence J. Center
  - (2) Anti-Crime Programs for the Elderly: Combining Community Crime Prevention and Victim Services by John H. Stein
  - (3) Anti-Crime Programs for the Elderly: A Guide to Planning by Lawrence J. Center
  - (4) Anti-Crime Programs for the Elderly: A Guide to Program Activities by Lawrence J. Center
  - (5) Impact Evaluation of the National Elderly Victimization Prevention and Assistance Program: A Final Report by George F. Bishop, William R. Klecka, Robert W. Oldendick and Alfred J. Tuchfarber
  - (6) Anti-Crime Techniques for Elderly Apartment Dwellers: Organizing Strategies and Legal Remedies by Lawrence J. Center
  - (7) Techniques of Victim Involvement in Restitution by Richard Hofrichter
  - (8) Victim Compensation and the Elderly: The Programs in Practice. A Follow-Up Report by Richard Hofrichter
  - (9) Trainer's Manual: Crime Prevention for Senior Citizens by Rita Nitzberg

The first five of these reports were produced under grants from HUD. The first four will be published as a four-volume series by HUD. (They'll be typeset first.) It is this series that I would like NCJRS to consider for announcement via your SNI, when that is appropriate.

The other reports presently have no prospects for publication, but I will continue to pursue that with LEAA. As you know, the office which funds our program has no monies for publication, so the matter would have to go to NILECJ for any approval.

This project was supported by Grant Number 780F-AX-0132 awarded by the Law Enforcement Assistance Administration, U.S. Department of Justice, to the National Council of Senior Citizens; and by Grant No. 780-0244 awarded by the Ford Foundation to Legal Research and Services for the Elderly. Points of view or opinions stated in this report are those of the author and do not necessarily represent the official positions of the United States Department of Justice.

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## SUMMARY

The growing interest in the service needs of crime victims has led to the creation of publicly financed programs to reimburse victims injured in the commission of violent crimes. Twenty-seven state programs were in operation as of October, 1979. However, the ambitious goals of these victim compensation program have not always been realized. Only a minuscule proportion of deserving beneficiaries receive compensation awards. The failure to compensate more victims is primarily attributable to the inherent limitations in the laws and program characteristics, and not to any lack of concern among the administrators, who are generally dedicated public servants, committed to assisting victims.

While some programs have sought to overcome problems in the law with innovative and efficient procedures, many are further limited in effectiveness by rules and practices which work against the claimant's interests. Program practices responsible for reducing the effectiveness of victim compensation programs can be classified under four major headings.

## PUBLIC AWARENESS

While public outreach is often included as a statutory mandate, and although many programs engage in outreach activities, they do not appear to succeed. The generalized outreach techniques most commonly used--brochures, press releases, ad campaigns and speaking engagements--unless targeted toward a specific potential class of victims, rarely increases the rate of applications. Programs must continue to coordinate

outreach activities and establish working relationships with agencies likely to come in contact with victims.

The first-line responsibility for informing each injured victim logically belongs to law enforcement agencies and victim assistance projects, both of which are well-positioned to make the necessary contacts. However, legislative mandates in eight states requiring police to inform victims are not self-executing: without further instructions, training, internal procedures and external oversight, police departments cannot be depended on to inform all eligible claimants of the program's existence.

Some police departments, aware of these problems, have initiated special procedures to meet the mandate for informing victims. A common method is for police to review complaint reports at the station house, flag serious cases involving injured victims, and notify them or victim assistance agencies by mail. Some departments provide the victim with a copy of the incident report at the scene of the crime which includes information about victim compensation. To enhance their willingness to cooperate in informing victims, police need incentives and procedures which involve a minimum of inconvenience.

Victim assistance projects find their ability to identify victims depends on working closely with the police, using prearranged methods for retrieving names from complaint reports or otherwise receiving referrals from them. In jurisdictions where police notify victims about the compensation program, the name of the victim assistance project is included in the

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the letter.

Informing victims is sometimes insufficient to generate a completed application. Many victims at this stage require assistance in completing the forms. There must also be follow-up activity to determine why those with forms did not submit them.

#### DENIAL OF AWARDS.

The considerable discretion exercised by programs in making award decisions and the variety of special conditions that can affect those decisions suggest the need for guidelines which provide administrative flexibility without creating rules so rigid as to result in unfair decisions. Problems in discretion arise most often in eligibility determinations associated with "the serious financial hardship" test, "contribution and cooperation," late filing, and expanding interpretations of compensable loss. For example, many programs which have a serious financial hardship test as a legislative requirement will waive it when making a decision about an award, but still require victims to engage in the time-consuming and potentially humiliating exercise of revealing their assets in great detail on the required forms. This invasion of privacy is often so offensive as to cause a victim to forego applying for an award. A lack of specific criteria to judge financial hardship and the subjective nature of the assessment in some programs expands the probability for inconsistent and arbitrary judgments on awards.

On the question of whether victims contributed to their own victimization, some programs rely too heavily on evidence not directly related to the circumstances of the crime. For example, the victim's personal characteristics or habits may have indirectly led to but remain unrelated to the specific incident, e.g. a drinking habit, a bad temper. Moreover, some programs place a great deal of weight on evidence included in the police report of the crime--a document not designed to provide evidence requested by compensation programs for evaluating whether such a contribution occurred. As police reports may be inaccurate or incomplete, using them as the only source to evaluate contribution may result in unfair denials.

Sometimes programs assume the absence of a police report means the victim did not cooperate with the police, without evaluating legitimate reasons. Many victims, moreover, may not cooperate because they fear retaliation or are too emotionally overwrought to deal with the police.

#### Sources of Delay and Complexity

Delay in claim processing in most programs usually results from complex bureaucratic procedures and excessive demands for documentation. The backlog caused by these procedures means that victims may not receive their payments for many months after an award decision is made. Unnecessary delay can be caused by the extensive amount of information that must be collected, tracked and checked for validity and accuracy. Many programs, excessively concerned with fraud, become bogged down in calculations and interpreting competing definitions of compensable loss. Often lost in these proceedings

is a central question which programs need to answer: were claimants victimized and what do they need that the program can provide?

Police departments add to delay by not sending a completed police report on time. When no liaison at police headquarters is available to coordinate requests for the report by locating those who worked on it and identifying its status, the problem is compounded. Hospitals similarly add to delay by their unwillingness to release information without special forms signed by the victim authorizing the hospital to inform the program about an existing bill. In many cases, hospitals send separate bills from each unit that treated the victim, further limiting the ability to establish one definite cost figure. What seems to be needed are planned systems or prearranged protocols between hospitals and compensation programs.

The decisions of almost all programs must be reviewed by a higher state authority such as the comptroller or state treasurer. These review procedures may take anywhere from three weeks to three months. Compensation claims from victims are treated as any other claim against the state, regardless of the special emergency needs of victims.

Another source of delay is the program's demands on the victims--many of whom may misunderstand or be incapable of meeting their obligations for timely submission of documentation. For example, the victim is sometimes expected to retrieve specific documentation from hospitals or public agencies which may refuse or send incorrect information.

Finally, while over two-thirds of the programs are authorized to make emergency payments if it appears that a final award will be made, few victims receive such awards on a timely basis. In actual practice, only a few programs publicize these emergency provisions or have designed procedures to insure speedy payments by accelerating the review process.

#### VICTIM ASSISTANCE

The demands and complexities inherent in most compensation programs affect all victims, particularly the infirm, the poor, the inarticulate and the socially isolated. A substantial number of elderly victims fall into these categories. Without personal intervention, few underprivileged victims learn of the program, have sufficient information to understand whether they are eligible for benefits, or sufficient skills to meet the requirements necessary to receive an award.

A number of strategies have been devised to make up for these deficiencies in operating programs. Some involve internal reforms as well as restructuring of the programs, while others use assistance from agents outside of the program (such as victim assistance projects) to assist clients in receiving monetary awards.

If current deficiencies are to be addressed within a victim compensation program, a personalized service that reaches and provides support to eligible victims needs to be established. Such a service should include: creating referral networks with reliable social service agencies;

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follow-up on "abandoned" or "closed" cases; informing victims of other available public benefits; preparing victims prior to and during any hearings; and assisting in the collection and preparation of documents necessary for the claim. If adequate resources are available, programs should consider creating a special assistance unit within their programs.

Another method for providing needed services involves cooperation with an independently operated victim assistance project. Such projects provide comprehensive services, e.g. counseling, crisis intervention, and referral to social services, and are staffed by people with experience in the provision of social services. Victim assistance programs, working closely with compensation programs can conduct much of the preliminary work such as completing waivers or special forms, and contacting doctors and police for data essential to the claim, when questions arise. Such cooperation can both increase the number of claims accepted and awards made.

The most comprehensive and far ranging response to providing a more adequate program of compensation for crime victims is presently only in the realm of speculation. An ideal system would begin with a holistic perspective integrating all victim services, including compensation, into one state-wide agency, so that each victim would be able to receive assistance with the retrieval and organization of all claim information and other needed services in one place. Only by linking compensation programs to other related victim services and removing unnecessary impediments to learning about and receiving benefits can these victim compensation programs realize their true potential.



#### ACKNOWLEDGMENTS

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A special note of thanks to the directors and staff of many of the victim compensation and victim assistance projects across the country, for their time and cooperation offered in the course of our research.

I am also indebted to Dr. Jacqueline Vaughn, Assistant Professor, University of Redlands, Redlands California, for her thoughtful comments on a draft of this report.

## I. Introduction

### A. Background and Purpose of the Report

America's crime victims are finding public services increasingly responsive to their needs, though few of them have reason to know how novel these modes of responsiveness are to the criminal justice system. The new strategies in their behalf range from reforming the ways in which existing criminal justice agencies perform their duties to the development of new, supplementary services for crime victims. Perhaps the best known and most widely implemented of the new service inventions is victim compensation, a scheme adopted by over half the states in the last fourteen years. (See Appendix A) The public philosophy enshrined in these programs speaks to the lack of other resources to meet victim needs, to the state's obligation to protect the public, and to its interest in encouraging victim cooperation with the official criminal justice system.

While such legislative purposes could support a broad and ambitious goal for victim compensation programs, their actual mandates, as defined by state legislatures, have been much more narrow--to compensate certain persons injured as a result of a violent crime for non-reimbursable medical or funeral expenses, and to recompense like victims or their surviving dependents for loss of earnings. There are significant additional limitations, even for eligible claimants, regarding how much they may receive. Thus, the theory of victim compensation supports a more generous offering of financial assistance to a larger class of victims than the programs are now mandated to provide.

Yet the disappointments of compensation as one tool of public responsiveness to crime victims do not end with these statutory limitations. Some of the legislatively-created policies have even greater constricting effects in practice. Provisions to curtail fraud, for example, produce considerable delay and red tape which cause many claimants to forego pursuit of compensation. Many other bureaucratic hurdles seemingly stem from an overprotectiveness of the public purse. This sometimes leads to barring whole classes of victims, such as victims whose assailants are relatives or household members, because of the supposed possibility of collusion and the difficulty of evaluating such claims. Some programs establish a minimum claimed loss as an eligibility rule, evidently to save administrative time and costs.

In September, 1978, the Criminal Justice and the Elderly Program of the National Council of Senior Citizens produced its first report on state victim compensation programs.<sup>1</sup> That report offered an analysis of legislative and policy issues based on an examination of selected statutes, some program statistics, and much of the scholarly commentary on these programs, all in search of the likely effects of compensation program policies on such potential beneficiary groups as the elderly victims of crime. As already suggested, our analysis identified numerous legal and policy impediments to achieving the goals of compensation. These impediments seemed to explain why only a minuscule proportion of eligible beneficiaries apply for compensation--and why, of the claimants, so few receive compensation awards. The effects of that disenfranchisement,

whatever its intent, seemed to fall heaviest on the poor, the marginally literate, the unassertive and, most notably, on the group that suffers these disabilities in greatest abundance, the elderly. Thus, the report's recommendations were weighted heavily toward correcting the parsimony and red tape which seemed to characterize the design of most compensation programs.

Having considered the central policy features in victim compensation in the first report, the present one explores some of the programs in greater depth, particularly as they operate in practice. Although the emphasis is on the day-to-day, administrative workings of the programs, the major issues are the same ones as before. Four of these have helped to organize both reports: (1) Methods of informing eligible claimants about the program ("Public Awareness."); (2) Rules and procedures that make it difficult to perfect a valid claim ("The Denial of Awards"); (3) The evidence of programmatic red tape ("Source of Delay and Complexity"); and (4) The special needs of the beneficiary class ("Victim Assistance"). This report adds a fifth substantive issue for consideration--methods of financing state victim compensation programs.

The purposes of both reports are to explore obstacles to serving victims and to offer recommendations for overcoming those obstacles. This report seeks to buttress its recommendations by highlighting innovative procedures discovered in our site visits. Collectively, these administrative improvements suggest a comprehensive package of reform that could, and should, in our view, be adopted by all compensation programs.

## B. The Special Problems of Elderly Victims

Although the incidence of crime against older Americans is lower than for other age groups; the physical, psychological and economic impact of crime on elderly victims is likely to be considerably greater.<sup>2</sup> The elderly have fewer means of regaining monetary loss. Fear of crime sometimes results in forced changes in living style, one indication of the seriousness with which elderly view crime and its potential for traumatic effects.

This report examines those aspects of victim compensation programs likely to effectively deny the elderly benefits to which they are or should be entitled. Many of the policies and procedures described are effective obstacles to compensation for victims of violent crime of all ages. However, the special problems of the elderly suggest that their needs as victims may be somewhat different from other classes of victims. Because of their handicaps and fears, for the elderly to receive the same opportunities as others in obtaining compensation, there may have to be special provisions to insure that the normal workings of bureaucracy do not have the effect of separating injured, elderly victims from their entitlements under victim compensation.

## C. Method of Analysis

The analysis of victim compensation presented in this report is based primarily on site visits of one to five days in five states, on lengthy phone interviews with program staff in eight others, and on an assessment of program materials

from all of the state compensation programs. The five states, Maryland, Wisconsin, New York, California and Massachusetts, were chosen to offer variation in geographical location, program size and organizational structure. In each, interviews were conducted with the following types of individuals: compensation program directors; staff investigators; police department officials; and directors of victim assistance projects. At two of the sites, Wisconsin and New York we attended advisory board meetings; at three of the sites, Maryland New York and California we attended hearings of administrators. The seven states telephoned for information and opinions on specific issues were: Pennsylvania, Ohio, Delaware, Florida, Illinois, Michigan and Minnesota. (A sample of the questions asked in the interview is included in Appendix N).

This report emphasizes those findings that indicate program weaknesses from the victim's perspective: activities that inhibit the victim's ability to learn about programs, that produce excessive delay and denial, that prevent emergency awards, and that preclude effective victim assistance. Most of the description of obstacles and remedies to overcome them are synthesized from the mass of information and judgments collected in the site visits and phone calls.

The report does not follow the convention of separating entirely our finding of fact and our recommendation for change. We found it more economical to inject clearly-identifiable comments and judgments as appropriate in the topical sections.

However, we attempted not to be overly argumentative or critical of specific programs in our presentation; our concerns are with general programmatic characteristics, not the idiosyncracies one finds in virtually every organization, large and small.

## II. Public Awareness

### A. The Limits of Program Outreach

One of the most significant drawbacks of most victim compensation programs is their limited visibility. Although most state compensation statutes mandate publicizing the available benefits and procedures, no state program appears to reach more than 10% of statutorily eligible victims.<sup>1</sup>

Publicity strategies designed to implement the legislative requirement vary widely among the states, and include activities ranging from mailing brochures to public agencies that come in contact with victims and preparing press releases, to establishing comprehensive liaison systems with law enforcement agencies.<sup>2</sup> Experience from numerous programs indicates that generalized outreach techniques, unless targeted toward a specific potential class of victims, rarely increases the rate of applications or what may be termed the applicant ratio: the number of reported violent crimes divided by the number of applications. Thus, public service messages on radio and television, press releases, newspaper ads and speaking engagements have rarely demonstrated any effectiveness, probably because few persons identify themselves as potential crime victims. On the other hand, measuring the effectiveness of any kind of publicity campaign is exceedingly difficult. Perhaps the evidence to date only suggests that publicity directed toward the general public is, by itself, insufficient as a way to obtain high applicant ratios.

More specialized and pro-active approaches, in contrast,



seem more productive. These include establishing working relationships with those public and private agencies likely to come in contact with and refer victims, such as hospitals (billing departments and emergency rooms), funeral homes, community centers, rape crisis centers, crime prevention centers, senior citizen centers, social service and welfare agencies, Social Security offices, judges, prosecutors, and most of all, the police. All of these agencies could be supplied with application forms, information posters, clear information on program procedures, and explanations of how the board interprets the statute (Alaska and California are the only states that legislatively mandate hospitals to display information in their emergency rooms). Evaluating the effectiveness of the relationships between the compensation program and other supportive public and private agencies will depend on implementing a monitoring system enabling the program to determine from applicants who told them about victim compensation and whether the cooperating agencies present accurate information and encourage applications.

However, even those outreach campaigns targeted on especially vulnerable populations suggests inherent limits to this approach, given the low applicant ratios in programs that use this type of outreach.

An optimum system would ensure that every injured victim of a violent crime who reports the incident to the police, and the dependants of every homicide victim, are contacted as soon as possible after the victimization and offered an

explanation of their potential eligibility for program benefits. This task, while requiring the cooperation of the compensation program, cannot remain its sole responsibility because it lacks the resources to make immediate and individualized contact with all reporting, injured victims or their surviving dependents. Experience in some of the programs suggests that law enforcement agencies constitute the essential component of such an optimum outreach system.

B. Law Enforcement

Of the twenty-seven states with active programs, eight have a statutory requirement mandating the police to inform victims of the program's existence and their potential rights to benefits.<sup>3</sup> The rationale for this requirement stems from a recognition that police, as the public agents who first come in contact with victims, are uniquely positioned to tell them about compensation on a timely basis. Many compensation programs indicate that a substantial number of their claims are generated by the police. New York, for example, increased claims by 30% one year after instituting the requirement.<sup>4</sup>

On this issue, most statutes parallel Minnesota's which reads in part:

. . . all law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to sections 299B.01 to 299B.16 and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the board and maintain a supply of all forms necessary for the preparation and presentation of claims.<sup>5</sup>

In Minnesota, a concern that the statute alone was not self-executing prompted the State's Department of Administration, in cooperation with the Crime Victims Reparation Board, to conduct a study of the program's public information problems.

The study concluded:

The board should develop and recommend a model procedure that local law enforcement agencies can use in fulfilling their statutory mandate to inform victims. In the course of our study we discovered such a procedure in one agency. This agency has designated one individual (a clerical staff person, in this case) who reviews all officers' crime reports (not just major crime reports) in order to identify those victims who have been noted of the crimes. This clerical staff person then has the head of the agency send a letter to all victims who have been physically injured. . . This letter does not tell the victim that the agency thinks he is eligible, but merely informs him of the program.<sup>6</sup>

In most of the eight jurisdictions that require police to act as the program's information agents, police departments continue to devise their own procedures for implementing the requirement to inform victims, at least when they recognize their responsibility to do so. Our search for effective methods to fulfill these responsibilities uncovered both a number of common problems and several promising solutions. The discussion below describes and comments on some of these methods.

New York City. The original approach used by the New York City Police Department--to place responsibility for informing victims in the hands of patrol officers--did not seem to work to good effect. The officer's ability and willingness to present victims with a small plastic card

and otherwise tell them about victim compensation was inhibited by the officer's working realities, especially in cases involving unconscious or distraught victims. In the confusion occurring on the street in a large city, an officer was unlikely to discuss a complex state law. Moreover, no supervisory personnel were given responsibility to monitor procedures in the precincts.

Under a reorganized plan designed to insure compliance, each precinct was instructed (with guidelines from headquarters) to establish a procedure to review complaint reports at the station-house and flag serious cases. Under the revised system, the detective or patrol officer, as part of the follow-up investigation, contacts the victim by phone, by mail, or in person in serious cases. At the precinct, civilian or restricted duty officers peruse complaint reports for cases with injured victims in some precincts. A log is kept of those notified, but the information is not automatically sent to victim services programs of which there are several in New York City. An administrative lieutenant in each precinct monitors compliance, at least in theory.

Rochester, New York. Officers provide the victim with a copy of the incident report at the scene of the crime. On the back of this report, information appears about victim compensation and victim assistance (a kind of social service which will be discussed later in this report). A staff member from the victim assistance program, which in Rochester is housed within the police department itself, examines all incoming reports to see if a line at the top, indicating the presence of an injured victim, has been filled in. Whenever injury or death is noted,

the appropriate person is contacted by phone or by letter, and given an explanation of available services and benefits.

California. The State of California has produced the most extensive requirements for law enforcement agencies. Each police department must appoint a Crime Victims Liaison Officer. The regulations prepared by the State Board of Control (the program's administering body) describe the responsibilities of the law enforcement agencies pursuant to Government Code, Section 11380.1.

649.14. DUTY OF LOCAL LAW ENFORCEMENT AGENCIES  
Notice of the Victims of Crime Act shall be given by local law enforcement agencies either in person or by mail to all victims of violent crimes or their dependents at the time of the incident or as soon as possible thereafter. In addition, new officers shall be advised by their superiors upon entering service of the particulars of the Victim Compensation Program. Instruction concerning the program shall be made a part of the training curriculum for all trainee officers.

649.15 VICTIMS OF CRIME LIAISON OFFICER. Each local law enforcement agency shall designate a Victims of Crime Liaison Officer. The State Board of Control shall be advised of the name, business address and telephone number of the person appointed. In carrying out the agency's responsibility under California Government Code Section 13968(c) and Section 649.14 of this article, the Liaison Officer shall devise and implement written procedures whereby victims, or their dependents or family, are notified and provided forms for filing under the Victim Compensation Program. These procedures shall be available for examination, upon request, by the State Board of Control. It shall also be the responsibility of the Liaison Officers or their designees to respond to inquiries from interested persons concerning procedures for filing a claim under this program. Liaison Officers or their designees shall provide to interested persons application forms supplied by the State Board of Control explaining the Victim Compensation Program.

Observances of these rules varies widely across the state; the larger departments apparently experience more difficulty in complying than smaller departments.

Los Angeles, California. According to department officials each victim receives a "victim's report memo" given by the responding patrol officer at the scene of the crime (See Appendix H). The back of this crime report memo describes the victim compensation program. If the victim does not receive this notice in the initial interview, or cannot because of infirmities, the manual requires the investigating officer, upon obtaining the crime report, to verify that the victim or the victim's family obtained information on the program. This action must be noted in the investigator's report. A department supervisor audits these reports to ensure that officers are following the procedures. The information on the original officer notification form to the victim appears in the narrative of the police report. The compensation program forms, available in the department, are not usually mailed without a request. The Liaison Officer to the State Board of Control is automatically designated the Commanding Officer of the Records and Identification Division of the Los Angeles Police Department.

In several small departments such as Navato, San Rafael, and Pasadena, a clerk reviews crime reports each month, looking for violent crimes. A letter is then mailed to victims, usually by the investigating officer who handles the case, informing them of their potential eligibility. In some cases, the application forms are included with the letter, as well as the name and number of the local victim assistance program. In Pasadena, the department includes

a descriptive brochure, prepared by the L.A. County Bar Association, explaining the program. (See Appendix H).

The Police Department in San Leandro operates its own victim assistance project (See Section C). The procedures for identifying crime victims in order to send them letters about the compensation program are similar to other departments but are more thorough. For example, the procedure includes a more careful reading of police reports which aids in the discovery of bodily injury. A staff member contacts the victim by telephone for a possible appointment at the victim's home. Otherwise, the victim services staff mails a letter explaining the program with the initial application form.

Flint, Michigan. The Michigan compensation statute does not have a requirement that police publicize the program. However, the Genesee County Prosecutor's Office established a system to educate police about the program, so that investigative officers would distribute brochures to victims and refer them to the prosecutor's office. Within the prosecutor's office, a staff member interviews victims, explains the program, and actually helps the victim fill out the claim forms.

Rockville, Maryland. In the Montgomery County Police Department in Rockville, Maryland, LEAA funded a victim assistance project (to be continued by the county) for senior citizens. The project locates citizens in need of service by letter, phone, or in person by means of hand-outs describing the services available which is given to the victim by the officer on the beat. The victim sends back a tear

off sheet on the form indicating interest in receiving services. In addition, using a computer system, each victim over 60 is identified from police reports each month in order to make a contact. (See Chapter V, Victim Assistance.)

Discussions with police department personnel indicate that a department's ability and willingness to cooperate with victim compensation programs is enhanced by having clear procedures and proper incentives. Some of those incentives and conveniences include such simple considerations as providing specific space on the crime reports to indicate that a victim was injured. Additional incentives involve requesting that the compensation program inform individual police officers who referred cases to the program about the results of determinations, including the amounts of the awards. Regular feedback encourages officers to refer victims, according to staff member of the victim assistance program in San Mateo County, California, which uses this approach. Apart from symbolic rewards, the Director of the Michigan Victim Compensation Program suggested that programs devise a system for paying police officers a referral fee for every case they refer which results in an award. Individual citizens of community groups could also be paid for successful referrals.

Police support and cooperation is difficult to achieve without an effective monitoring system. Because informing victims about compensation is usually interpreted as another burden of paperwork, police do not rush to cooperate.



In California, legal action against the police has been initiated by victims who missed the program deadline because of a failure to be informed on a timely basis. (See Appendix K). If successful, such suits would require the police to pay the compensation award out of their own budgets, the effect of which would encourage other police officials to take their compensation responsibilities seriously.

While the police must be well-informed, they should be discouraged from making eligibility determinations by offering opinions to victim about their qualifications for compensation, based on seriousness of the crime or perceived innocence of the victims. Rather, they should encourage them to contact the program or local victim assistance projects directly as well as provide them with application forms. The police should assume that every injured victim is eligible and defer to the program the evaluation of claims, in order to avoid inappropriate screening.

Ideally, training in the techniques and strategies for informing victims about compensation ought to be included in the curriculum at the police academy, and at roll-call for regular officers. This would enhance understanding of the program and suggest to officers that the department considers it a priority.

#### C. Victim Assistance Projects

To increase program visibility, an important role for victim assistance projects is maintenance of a close liaison with the police in order to receive the names of injured victims. Some victim assistance programs, for example, send a staff member to the police department on a regular basis to retrieve

the names of victims injured in violent crimes from police reports. In one California city, where police reports are computerized, a local victim assistance program devised a special procedure with police. Copies of all incident reports in cases with injured victims are placed in a locked box (with certain confidential information blocked out) for daily pick-up by the program. Each victim is contacted and asked about needed service or assistance with victim compensation. This technique also serves as a means whereby the victim assistance project partially monitors whether police have notified victims and reported it on the crime sheet. If victims come to the program and no crime report is found, the program checks with the department to determine why.

In New York City, the Senior Citizen Anti-Crime Network (SCAN) victim assistance project (which exclusively serves elderly victims), sends an aide to selected precincts in their target area each day to review the police complaint forms. Thirteen types of crimes are examined for injury information. Initial concerns over confidentiality issues were resolved between the city's Department for the Aging which sponsors SCAN and with the Police Department's legal division, to make this service possible.

Some victim assistance projects ask the police and the compensation program to include the project's name and address with letters sent to victims. While this approach may be inappropriate where the victim assistance project does not serve the complete area covered by the police department, whenever it is possible to cooperate in this fashion, it

is helpful. In the San Leandro, California, Police Department, the letter to victims directs them to check a space on the compensation application form itself if assistance is needed. Thus, when the state compensation program receives the initial application form and notes the name of the assistance program checked at the bottom, they send the second set of application forms to the assistance project which will then have an opportunity to help the victims prepare the lengthy, second-stage claims forms.

This example leads up to what might be called the programmatic ideal, whereby no victims who receive an application should fail to submit it because they cannot read or write, or because they remain uncertain about their eligibility, or because they feel intimidated by the process and the forms. This ideal is all the more desirable when the forms do not appear in a language other than English or if no toll-free number appears in the brochure for potential applicants in outlying jurisdictions. In general, it is the ideal which, for many of the elderly, is their only practical hope of obtaining their compensation entitlement.

What a model system would recognize is that putting some information in the hands of eligible claimants is not sufficient for many--the forms, rules and procedures are too complex for some victims to deal with on their own. For these, it is essential to offer some forms of help in getting the application completed and submitted. Here, the services of a victim assistance program are the only realistic mechanism to achieve that result. The method is easily imagined.

In general, victim assistance programs might ask victims whether they have been informed about compensation and then try to aid them in completing forms. Unless the program is absolutely certain that a claim would be ineligible, it might be wise to refer all claims to the compensation program, rather than make their own judgments about ineligible claims. From a victim perspective, it is probably more acceptable to refer cases that may not finally be eligible than to exclude potentially eligible victims.

Once a victim actually requests an application and aid in filling out, either an arm of the compensation program or a local victim assistance project could accept responsibility (by prior arrangement or otherwise) for follow-up contact.

Compensation programs may find it helpful to determine where referrals come from and how most applicants learn about their program as a means of developing more effective outreach techniques and better relationships with referral services. To accomplish this, the application form could provide a space to indicate the referral source so that accurate records could be kept.

### III. Denial of Awards: Problems in Discretion.

#### A. Introduction

State victim compensation programs exercise considerable discretion in the interpretation of their statutes. At issue is whether programs can use that discretion creatively and wisely to overcome what are essentially technical flaws in the applications of otherwise deserving victims. Most programs lack written guidelines for interpreting the statutes, apart from very general regulations written pursuant to the law. Thus, policies on any given point of law (e.g. what constitutes compensable loss, hardship or contribution) emerge on a case-by-case basis, if they are established at all--the potential for inconsistent rulings, creating non-policies, is sizable. Because of the propensity of most programs to be zealous in the protection of the taxpayer's money, they may often resist decisions favorable to claimants in borderline cases where information is insufficient or uncertainty exists about the validity of a claim.

An examination of program decision-making procedures does not offer any readily apparent solutions to the problem of discretion. Administrative flexibility, unwisely applied, may result in arbitrary, inconsistent dispositions. Concomitantly, overly rigid guidelines may also produce inequitable and unfair outcomes. Given the central objective of meeting victim needs, one appropriate method is to resolve conflicts of this type in the victim's favor.

The dimensions of some of these problems in evaluating claims may be exemplified by selecting four subject areas for brief analysis: the "serious financial hardship" test; "cooperation and contribution," late filing; and expanding interpretations of compensable loss.

B. The Serious Financial Hardship Test

Eleven states have a legislative requirement that claimants must demonstrate financial hardship or need in order to be eligible for an award.<sup>1</sup> We have argued elsewhere<sup>2</sup> for the elimination of these tests. Here we describe how some states apply the law and the consequences of their interpretations.

In no states examined in this study did the failure to meet the hardship test result in a large proportion of the denials, and several of the states seem to ignore the test in practice. Yet the application of the test may not be the crucial issue--the mere demand that applicants give a personal balance sheet may cause many victims to not apply, intimidated by the amount of information requested, and believing it constitutes a violation of their privacy. Numerous victim assistance project staff reported that elderly victims in particular would rather forego an award rather than reveal their assets--or their lack of assets in the case of those who are embarrassed by their poverty. Some elderly victims have reportedly accumulated savings to pay for a burial plot and funeral services, and are adamant about not declaring this information in the calculation of benefits. Others on fixed incomes reportedly have

refused to withdraw their savings for any reason--and are certain that the compensation program would force them to do just that. The implementation of the serious financial hardship test thus may reduce the number of awards for needy deserving beneficiaries, given the absence of clear guidelines that would tell prospective claimants about how the policy is interpreted and applied by the program.

In Wisconsin, the staff assumes the claimant will experience a hardship unless proved otherwise; almost no one has been denied on this question. According to the Administrative Director:

We give the presumption of financial hardship if there has been diminution of wages, savings, or if their standard of living is affected. We should do away with the hardship test. The image is one of welfare, not justice.<sup>3</sup>

In New York, program staff are beginning to devise written criteria, although in hearings attended in November, 1978, it appeared that judgments about financial hardship were highly intuitive.

In California, no hardship criteria exist for making determinations on this issue. No one investigates a person's assets or financial standing in any detail, although the information must be supplied. At the hearing stage, victims have been denied awards based on the absence of a sufficient showing of hardship.

A major problem is that the use of the phrase "serious financial hardship" is responsible for a certain degree of

self-disqualification by potential claimants. One victim in California reported that she assumed that the phrase meant that in order to qualify, she had to either be on welfare already or have a poverty level income. The law, in effect, allows (or forces) victims to self-interpret the statutory provisions of the financial hardship clause. The legislation, in turn, provide no further explanation of what "serious financial hardship" means, so any self-interpretation occurs from ignorance on the part of the victim.

C. Contribution and Cooperation

All state compensation statutes present some requirement that victims who contributed to the crime in any way or who failed to cooperate with the police must have their claims reduced or denied.

An initial problem stems from some programs' reliance on police reports as the most important if not the only source for determining whether victims contributed to the crime or failed to cooperate. Since police reports were not designed for the purpose of meeting requirements of compensation programs, they are not always complete or accurate on these points. The program staff must interpret statements in the police report, according to one staff member in the California program, such as "the victim was vague in explaining his presence at the scene of the crime" or "the victim did not want to give information."

A second problem arises when victims fail to give the police information because they fear retaliation. This is



especially true for elderly victims who refuse to initiate complaints. Program staffs assume that the absence of a police report means non-cooperation, and deny claims on this basis, without first contacting the victim to find out if the reason that information related to the incident is missing has a legitimate basis.

The issue of cooperation also involves the question of what can reasonably be expected of an injured victim: how much cooperation is adequate? In one California case, a young man's claim was initially denied because he allegedly did not return phone calls from the police. He claimed to have initiated a few calls but could not reach the right person and left messages which were never returned. Another claimant argued that he was too delirious and shaken to call police right away. Jo Beaudry, Director of a victim assistance project in Milwaukee, Wisconsin, commented that "... the elderly are afraid to report to the police without encouragement and assistance."

Great variation exists among programs in the conception of contribution or victim responsibility for the crime. Some times the definition appears overly broad and reflects issues beyond the immediate facts of the case. For example, a victim's propensity to drink or get into fights should be considered if such facts can be directly related to the circumstances of the incident, but the use of evidence about a person's endangering habits without any showing that they influenced his present plight is, on its face, unjust.

Sometimes the description of the event by police is accepted uncritically from the police report, even though police conceptions of contribution may differ markedly from that of the compensation program. In Michigan, understanding this problem, program staff send a special questionnaire to the police after reviewing the police report in certain cases, asking them to explain whether injuries were observed according to the compensation program's statutory definition of terms.

D. Late Filing

As a condition of eligibility, most programs allow victims anywhere between one and two years to file a claim. Some states will waive this requirement for good cause, but others, such as New York, allow no exceptions. At issue is whether programs might consider liberal interpretations of the requirement, most particularly in cases where (1) late filing occurred because the victim was not properly informed about the existence of the program, (2) the state mandates that police inform victims of the availability of benefits and the police failed to meet the mandate, and (3) cases of physical or mental incapacitation.<sup>4</sup>

Other special problems in meeting this deadline can be a legitimate cause for waiving a time requirement for filing. For example, Jo Beaudry described her experiences with elderly victims:

They fear getting arrested for outstanding parking tickets--which they want to pay first. The report time should be increased. It's not the time period itself that's important.

The elderly need the resources and support, even for calling the police. 5

Obviously, if a victim must wait for a hearing in order to justify and seek a waiver for late reporting, the time prior to receipt of an award will be that much longer, which for an elderly victim may be especially difficult to tolerate.

E. Expanding Interpretations of Compensable Loss

Numerous cases arise which pose novel situations. In some of these ambiguous situations, broad decisions may be unfair, causing great hardship on the victim. Hearings within the California program give examples of both narrow and expanded uses of discretion. In the latter the board decided to pay for moving expenses, door locks, and hearing aid batteries, in three separate cases, thus covering a form of property loss previously considered uncompensable. On the other hand, after struggling over the accuracy and verification of complex calculations of wage loss--such as when no records are kept, if a person is unemployed, or whether debts incurred constitute loss of support--the Board has, on occasion, denied otherwise justifiable claims rather than come up with an alternative formula for payment.

There are enough statutory and procedural ambiguities in all programs to suggest systematic unfairness for certain classes of claimants or arbitrariness in board decision-making. (Identifying such patterns will be discussed in the recommendations section.)

#### IV. Sources of Delay and Complexity

##### A. Introduction

With rare exceptions, almost every compensation program takes a minimum of three months to pay awards from the date the initial application is received. In some instances, awards arrive in the victim's hands more than a year later. Delay may pose special hardship for victims under a variety of circumstances. For example, many hospitals and doctors become impatient and pressure victims for quick payment. Elderly victims, especially, are likely to carry these debts themselves rather than ask the medical providers to wait for the compensation award. On the other hand, those victims who are told about program delays, as many are, may refrain from applying at all.

The major sources of delay are built into the programs through eligibility requirements (e.g. the serious financial hardship test), the bureaucratic procedures, and demands for excessive documentation. This section explores some difficulties encountered at different stages in the compensation process and suggests some reforms that might reduce both processing time and complexity.

Most compensation programs function with small staff and large caseloads. The backlog in a few of the larger programs is staggering. An enormous amount of information must be collected and verified. (Verification refers to checking the validity and accuracy of documents after they

are received by program staff.) Verification is not always systematic or organized with clearly defined written procedures; some programs lack such management tools as a step-by-step method for logging the cases and monitoring their progress. In other instances, the step-by-step approach is so rigid that actions "D" and "E" in a given case cannot be started if action "B" has not been completed. For example, sometimes delay occurs while waiting for supporting documentation from a service provider. Instead of either sending the case forward or checking other aspects of the case, no further processing occurs. Because of large caseloads in some programs, it becomes difficult to keep track of or follow-up on these cases unless the victim complains. When a service provider does not respond to a request for information, it is often left up to a claimant to act independently to obtain the requested materials or verification.

Many programs get enmeshed in complex calculations and alternating interpretations and definitions of loss of support or unreimbursable medical expenses. For example, a program may believe that an expense is not reimbursable because another public agency should or will pay a bill, when in fact they will not.

Eliminating excessive documentation and verification is made particularly difficult because of the possibility of fraud, mistakes, and possible reversal of decisions by a higher state authority. A staff member in one program commented, "I want to be unappealable." Reversals are

rare, however, and therefore the primary questions ought simply to be: Were claimants victimized and what do they need that we can provide?

Few programs engage in any extended interaction with victims prior to a request for a hearing. After the initial interview--assuming a personal encounter even occurs--staff decisions normally proceed without contacting the victim. Programs assume that the victim will answer any questions or appropriately challenge board actions subsequent to the denial or a recommendation for a denial. Time is wasted at the hearings because victims sometimes only learn then that their denial was based on a missing piece of information--either a document or the verbal refutation or explanation of a problem of interpretation faced by the board. These types of informal gaps could be resolved without, or prior to, a formal hearing.

#### B. Problems with Police Departments

Most compensation programs require that the victim report the crime to the police department and cooperate with law enforcement.<sup>1</sup> The program must determine that a crime occurred and that the victim did not contribute to the crime. The basic document associated with the verification of this information is the police report.

The major problems connected with this requirement concern the time involved in obtaining the report and interpreting it under program guidelines. Both of those operations depend on maintaining good working relationships with

police. Delay in obtaining the report sometimes occurs because a program has no one contact or liaison person at headquarters who knows what they need and how to obtain it quickly without extensive explanation and approval. Without the liaison, time is wasted locating the detective who handled the case and determining the status of the report. Moreover, some case documents are difficult to find, particularly if the victim cannot remember when the incident took place.

Speed in obtaining the police report also depends on how the program defines the meaning of "received the police report." For example, some programs must have the documentation on the police report in the files before proceeding with a claim, while others accept a statement by telephone. In New York, a staff member walks to central police headquarters once a week to photocopy a batch of police reports. In this large department, however, it often takes six weeks for reports to travel from outlying precincts to the central office. Other programs send a formal request form, requesting a copy by mail.

Delays also arise in situations where the police report arrives incomplete, at the time of request, and the program must wait for a completed report approved by a detective. In Los Angeles, for example, when an incomplete report arrives, a contact must be made identifying the new investigator.

C. Problems with Hospitals and Doctors.

No program will pay a claim without appropriate information on the amount of the medical bill and the nature of the injury. In virtually every program we contacted, obtaining medical bills constituted the most serious source of delay.

Hospitals process thousands of cases each year and experience problems in finding those requested by the compensation program; they have their own billing problems. In many instances, hospitals will not release information without an account number and an authorization proving that a bill exists and that the claimant approves release of the information. Many hospitals fail to realize that they will not be paid at all unless they cooperate with the program.

Programs confront a major problem when they must retrieve multiple bills. Anesthesiologists, radiologists, doctors, and nurses may all prepare separate bills, and some programs say that they must wait until all of them arrive before approval of any of them. The bills cannot be paid one-by-one, in Maryland, for example, because the state comptroller usually does not wish to prepare many checks to multiple-sources in the same hospital. Sometimes the figures change. The process is further complicated because of the role of insurers such as Blue Cross-Blue Shield. Until the confusion is clarified, the state comptroller typically will not pay. Whether resolution of



this problem depends on establishing an effective liaison between a program and the hospital is not clear. An effective approach might require a planned system or protocol, between hospitals, victim assistance programs, and the compensation program.

Another problem arises in cases where the victim needs future medical services or is in a state of convalescence. In these situations, many programs pay for ongoing services, according to a plan for protracted payments. In New York, some hospitals and doctors refuse to perform services until they know they will be paid. But most programs cannot usually offer promises of payment without knowledge of potential costs and type of service, because the budget is limited and they must certify that all payments are related to the incident. With careful planning, however, a pre-arrangement system between the medical service provider and the program could be established. Many victims hesitate to obtain needed services, such as psychological counseling, or dental care because the program only pays after the submission of bills and no one will advise them with certainty whether the bill will be paid if submitted.

Doctors cause a great deal of delay and frustration when they refuse to complete required forms. According to program staff, doctors believe that completing forms is too much trouble and not worth the time. Given this problem, programs might consider simplifying their forms and preparing them in the format used by insurance companies. In Pennsylvania, some doctors have billed the program for their time in completing compensation reports.

Many doctors, ignorant about the program, do not believe claimants are eligible or express a lack of confidence that they can be reimbursed.

The situation seems to call for a system to be worked out with representatives of the compensation board and with state associations of health care providers and insurance carriers. Were they to agree on a billing and payment procedure, perhaps valid claims could be so certified by the board prior to a determination of the award size, thereby allowing the program to reimburse the medical providers directly, in the same, coordinated fashion that other health insurance claims are processed. It is onerous and unnecessary for, say, an elderly victim to carry a debt of several thousand dollars for months while the health and compensation bureaucracies try to coordinate their procedures.

#### D. Problems with State Review Authorities

The disbursement of funds subsequent to the approval of a compensation award within most programs is typically the responsibility of a state agency such as the comptroller's office or treasurer. The disbursement process includes review and audit functions. Review functions are standard operating procedure for any state program disbursing funds, as a safeguard to protect against fraud, error or duplication.

These procedures, which vary from state to state, take anywhere from three weeks to three months before

the victim actually receives payment subsequent to an award decision.

In Wisconsin, a not-atypical program, the roughly six-week process works as follows: (1) An order is received by the Bureau of Financial Management in the Department of Industrial and Labor Relations which houses the program. Twenty days must pass before a voucher is made in order to anticipate any final adjustments that might change the order; (2) A voucher is produced and sent to the Bureau of Finance in the Department of Administration which performs an audit. They rarely find any problems. The audit involves summary verification of supporting evidence, a check to determine the availability of the money and a check to verify proper coding of the claim; (3) An authorization is sent to the treasurer which takes one day for processing. The check is then sent back to the Bureau of Financial Management in DILR for back-up information, since the Bureau of Financial Management is ultimately held accountable for the funds. It also maintains the file on the victim with appropriate information on the amount and other data necessary for mailing. The Bureau of Financial Management is requesting pre-audit delegation to eliminate the needs for the Department of Administration audit--which may save time. In theory, victim compensation claims could be grouped or separated from workmen's compensation claims to accelerate their processing.

In Pennsylvania, the Attorney General must approve the awards. In that state (as well as New York), the claimant must send an acceptance form to the program, prior to receiving a check, indicating they release the program from further claims. The Treasurer takes 30 days to produce a check here. In Ohio, a court-based program, the review process takes over two months because "they use the same audit procedures for claims as they do for purchasing supplies," according to one program official.

Is it possible to devise a special procedure to reduce processing time, given its routine character and the pressing needs of the victims? If not, can the existing procedure be accelerated or compensation cases given priority?

In New York, the Attorney General, "within 30 days after the receipt of the copy of the report containing the final decision of the board . . . may, if in his judgment the award is improper or excessive, commence a proceeding in the appellate division of the Supreme Court, third department, to review the decision of the board."<sup>2</sup> Even though the Attorney General is only allowed to find legal faults, and even though that office rarely questions awards, processing typically takes nine weeks to three months. As a response to this problem, the board has informed the Attorney General's office that it will process checks after 25 days or publicize the delay if action is not taken to accelerate the review procedure.

In Michigan, the Program Director contends that no external authority reviews his decisions once an award decision is made. Such oversight is unnecessary and wasteful, in his view, and its absence speeds the process and reduces cost.

#### E. The Victim's Role

Most programs expect victims to engage in a substantial amount of support work in pursuit of their claims.\* Much of this time-consuming activity is beyond the grasp of claimants, particularly the uneducated, infirm, and elderly.

In many programs victims must sign a waiver permitting the retrieval of personal information necessary for claims processing from public agencies and hospitals. Generally, the victim is not asked for the waiver until after an initial review of the claim form, at which time authorization forms are mailed. This "dead time" might mean two or three weeks of delay. Placing the request for release of information on the back of the claim form would save time. One program administrator suggested using a universal consent form so that the victim approves release of all necessary information at one time.

Another problem causing delay, associated with victims' misunderstanding of their role in the process, concerns the long time many victims allow to elapse before submitting all of the documentation in their possession. This may result, for example, because of a mistaken belief

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\* The applicant's need for assistance is described in more detail in Chapter V.

that the program requires originals of documents when a copy will do, or because victims spend time adding unnecessary detail before returning them. Such delay may cause a medical bill to be sent to a collection agency.

Since victims usually lack knowledge of the workings of public and private service bureaucracies, their inability to identify the appropriate agent, explain their needs, convince officials of the urgency of expediting approval, and to obtain the proper document all cause stress and delay.

Programs, with more authority and knowledge of the daily operations of bureaucracies than victims, could accept greater responsibility for collecting the information needed for a claim. The victim might be encouraged but not forced to assist in the process. Program staff, at a minimum, could attempt to judge individual claimants' capacity for collecting and organizing documentation before placing any such burden on them.

#### F. Emergency Payments

Eighteen of the twenty-seven states with compensation programs permit emergency payments if it appears that a final award will be made. A typical example of the statutory language is presented below from Kansas:

(Kansas)

Section 14. If the board determines that the claimant will suffer financial hardship unless a tentative award is made, and it appears likely that a final award will be made, an amount may be paid to the claimant and shall be deducted from the final award, or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award.<sup>3</sup>

In practice, emergency payment provisions rarely work effectively because many programs fail to design procedures to execute an emergency award in a short period of time. Thus, they constitute only a small percentage of the awards made.

In addition to lacking speedy mechanisms for making emergency awards, publicity about its availability is often consciously omitted. In Maryland, for example, program staff rarely volunteer information regarding the availability of emergency awards; they wait for the claimants to request it. In their view, if claimants are encouraged or informed about it advance by staff, everyone will apply and thereby burden the staff unnecessarily. Pennsylvania's program avoids publishing information in its brochures about emergency awards for the same reason, but remains attentive to the emergency needs of victims and informs them of the possibility, if a claimant appears otherwise eligible for an award.

A further limitation on the the use of emergency awards comes from those programs which impose an additional eligibility determination for such an award. Most jurisdictions require the victim to demonstrate a need involving a more serious problem than unpaid medical bills. Usually, this means victims must show some form of hardship, such as the inability to buy food, pay rent, or pay for necessary additional medical services. The absence of either clear criteria or a presumption of need adds to delay.

The major difference between processing emergency awards and regular awards supposedly involves the acceleration of the process to determine eligibility and the suspension of procedures dealing with the size of the award. The accuracy of the amount is unimportant at this stage, but as a program administrator in Pennsylvania expressed the problem, "It's not really an emergency award most of the time because it takes so long to process."

New York's program makes a primary eligibility determination primarily by phone rather than by mail, although the victims must still prove that they cooperated with police and met most other legal criteria. A claim examiner, the first level staff person that interviews the victim in New York, must convince a senior investigator of the necessity for an award. Once a program commissioner (board member) reviews this second-level determination, doctors are contacted to verify medical bills. In contrast, Wisconsin's program accepts the claimant's word in extreme emergency cases; no investigation is undertaken, as long as claimants prove themselves initially eligible for a basic award.

Once an emergency award decision is made, most programs lack a means of accelerating the review taken up by state supervisory authorities. The state treasury department or comptroller rarely reviews these claims any more quickly. In Maryland, however, the program maintains a special fund for emergencies that permits them to dispense



with the review process. Thus, checks can be prepared directly in the compensation program office on the same day as the claim decision.

In Wisconsin, the initial eligibility determination can be made within an hour; but review by the financial management office, which prepares vouchers and the issuing of the check by the state treasurer, can take five to six weeks without special intervention by program staff. The frustration resulting from a program's inability to deal effectively with emergency situations suggests the need for experimentation.

A special program created by the Department of Aging in New York City may provide insight about organizing emergency procedures. In April, 1978, the Community Services Society (CSS) of New York City, with foundation support, established an 18-month pilot program in selected areas in New York City to provide emergency financial assistance to elderly victims. One year later, the New York City Department for the Aging began its own pilot program to expand on the successes of the CSS experiment. This program provides social services which include an emergency loan if needed. After a case assessment is made, the victim receives a grant, usually no more than \$75, based on program guidelines. The reimbursement is technically a loan, but low-income victims are not under obligation to repay it. Other services encouraged by the project, such as counseling, housing relocation, or legal assistance,

may be provided by the agency, whether or not the victims reported their crimes to the police. However, reporting is an eligibility condition for receiving one of the cash reimbursements.

Using \$70,000 of Title III Older Americans Act funds, a victim referral agency has been designated in each of the city's 73 police precincts. Nineteen of the 73 service agencies in the network have received maximum grants up to \$1,500 because they met certain criteria in their jurisdictions--such as a high rate of reported crimes against the elderly, concentrations of minority elderly, and the capacity of the agency to provide ancillary services. The other agencies have received maximums of \$500.

Guidelines for the "Senior Security Services/Victim Assistance Project" encourage the agencies to offer financial and service assistance to all elderly victims regardless of income, but also suggest that resources be spent first on victims whose incomes fall within Title III guidelines.

The funds provided to the victim referral agencies may be used for emergency transportation, lodging, and replacement of stolen or damaged necessities, such as eyeglasses, drugs, or clothing.

Police precincts in some areas call the referral agency on a weekly or daily basis with a list of elderly victims identified from police complaint reports. In other areas, depending on the crime rates and staffing patterns, the

referral agency contacts a community affairs officer or statistical analyst in the precinct for the names of victims.

## V. VICTIM ASSISTANCE

### A. Introduction

The demands and complexity of the victim compensation claims process, particularly marshalling information, suggest the need for comprehensive assistance at every stage.\* As one program administrator in Pennsylvania commented: "Victims don't like going through the mill answering questions; bills are coming to them and they don't know what they owe."

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- \* The first report by CJE on victim compensation provided a list of functions which staff of programs might carry out to assist claimants.

#### *Application and Intake*

(i) Answer questions by phone from potential applicants and mail necessary materials.

(ii) Provide preliminary assistance, advice to claimant prior to staff review in evaluating potential disqualification at initial consideration of claim on fundamental questions—such as physical injury, expenses incurred, etc.—in the initial evaluation phase where basic eligibility is determined.

(iii) Provide assistance in completing initial forms by phone or in person, and conduct summary review for completeness and detail prior to sending claim to investigator. [This review function may be performed (as it is in some programs) by a non-aide, non-investigative assistant.] If form is incomplete aide explains what to do and how to do it. In special cases aide will actually complete forms for the victim.

(iv) Explain upcoming procedures to claimant in relation to timing of events, flow of the process, and expectations and obligations from the claimant.

#### *The Investigative Phase*

This stage, requiring more in-depth assistance than the previous phase, involves closer interaction with claimants, possibly including home visits, and/or expansion in activity, whereby the aide must mediate between the claimant and investigator and contact sources of information relevant to the claim where difficulties arise. In this phase, the aide:

(i) Identifies potential obstacles foreseen by investigators and counsels claimants on how to proceed.

(ii) Assists in collecting, organizing, and presenting information properly with appropriate detail.

(iii) Contacts doctors, hospitals, and insurance companies where victim has difficulty in obtaining documentation.

(iv) Where a hearing is scheduled, anticipates questions, explains format and rationale for procedures, and arranges for transportation.

[see note 1, chapter I, p. 40]

Without personal intervention, few victims learn about the availability of compensation. Similar difficulties affect the few who do learn of the program's existence. Many find it hard to evaluate their qualifications for benefits, or meet the requirements necessary to receive an award. Few claimants know their rights or what is expected of them. Many are harrassed and traumatized by the responsibilities, particularly those victims not fully recovered from their injuries, as well as the poor, uneducated, or inarticulate who tend to be most often victimized.

According to a staff member in a New York victim assistance project, "They receive no help with the paperwork and often cannot locate the proper documents." In most programs, if a victim fails to submit an application subsequent to requesting the claim forms, no one follows up to find out why. These cases are usually abandoned. While it may be true that many in this category were ineligible, many more victims inappropriately screen themselves out due to misinformation or a lack of assistance.

Elderly victims experience special problems, in this regard, compared with other age groups. For example, they sometimes do not understand what portions of their bills are not covered by the program or overpay bills. They may become upset if staff members contact their doctor. One program director commented, "They don't want their doctor to be mad at them." The elderly sometimes fear not paying bills immediately. Moreover, some would

rather not initiate a claim without an indication of a positive outcome.

During the site visits, we attended hearings in New York, California, and Maryland which indicated some of the problems unaided victims experience. For example, during hearings conducted in New York in November, 1978, a woman was informed verbally about future documentation needed to validate the claim, but no one provided her (or any other claimant) with pad or pencil to record the requirements or explained how to obtain the data. The board informed another woman that a reversal of the denial depended on submitting a document that she could have brought with her, if requested to do so earlier. In Los Angeles at a hearing in January, 1979, a claimant complained at the hearing about the lack of assistance with the paperwork and a failure to receive proper notification about board requirements. In another such hearing, the director of a victim assistance project, who maintains regular contact with the board, persuaded it to reverse an earlier denial. Afterwards, the victim assistance project director indicated, "You have to be prepared with fundamental strategies and understand situations where the board is flexible."

In considering strategies for organizing victim assistance--the kind of personal help needed to overcome the complexity of the claims process--a central question is: which tasks can be most appropriately performed within the compensation program and which within outside

agencies such as victim assistance projects? What should be the relationship between a victim compensation program and a victim assistance project?

B. The Role of the Compensation Program

While most compensation program staff willingly answer all questions from victims, provide explanations of the procedures, and assist with the completion of forms, few seem equipped to offer the kind of comprehensive assistance needed.

First, no programs find it desirable or economically feasible to install a bureaucratically distinct victim services unit. They would rather spend resources on more investigators and encourage existing staff to attend to victim needs.

Second, many investigative staff members define their role as the objective determination of eligibility, gathering facts, and processing claims; assistance is only incidental. They view their responsibility as claims handling rather than providing social services. Although investigators generally act impartially and fairly, their programmatic mandate imposes an adversarial position on them. They are not authorized to press the victim's case, seek liberal statutory interpretations, or suggest how claimants might more adequately present their case. Staff training supports this perspective, as it usually involves the learning of investigative techniques, and a commitment to weeding out improper claims rather than interpreting victim needs or serving as an advocate for the victim. Many staff members

we spoke with during our interviews suggested that victims ought to help themselves more by gathering information necessary for the claim and completing forms on time. In their view, responsibility for follow-up assistance belongs to the community. Victims sometimes regard program staff as adversaries who demand evidence from them and to whom they must prove their worthiness.

Third, the burden of caseloads precludes investigators from spending much time on any one case, particularly to coax the claimant to send in forms, gather information, or solicit information about other problems related to the crime. As one investigator commented during one of our site visits:

How much interaction should I invest in one case? If they ask us for help we give it but some don't ask. How much effort should we make? Many don't show up for appointments or respond to letters. We write to them but how much time can my worker spend calling to find out why they did not show up? Those investigators who do have old cases are not processing their present ones. We tell them of other types of services and benefits but I don't give them phone numbers and names. It's too much; I'm not a therapist. What is our responsibility to reach out to a victims, especially if they don't cooperate or make any effort?

Fourth, the multi-purpose structure of some programs with functions other than service to victim, (e.g., workmen's compensation or other claims against the state), further impedes the capacity to assist the victim. This is particularly true of programs administered by the courts. A general finding is that the greater the extent to which a program interprets its central mission as adjudication,



the less the potential for outreach. Court personnel are neither inclined nor trained to offer assistance. In some workmen's compensation programs, no distinction is made between victims of crime, accident victims, or other types of claimants for state benefits.

Even more important than the multi-purpose character of programs is the difficulty caused by their conflicting goals--victim service vs. general claims management. The former goal represents a helping, therapeutic function while the latter places victims in an adversarial position with respect to the program, identifying them almost as opponents rather than as clients.

Given the difficulties programs experience in providing victims with complete assistance and otherwise helping them to cope with administrative burdens, what strategies might be devised for improving the scope and quality of assistance? We can respond to this question at three levels, ranging from changes in internal administrative strategies to basic structural reforms.

First, at the simplest level of administrative changes are four suggestions that can be implemented by existing programs without hiring many additional staff.

1. Develop referral sources.

Existing staff may establish agreements with reliable social service agencies willing and able to accept referrals. Creating an effective network would require staff to spend time learning about and evaluating the possible allied agencies. But once staff familiarize themselves with

community social service agencies, they need only update their listings. Each investigator or claims examiner could maintain a desk file describing appropriate agencies for quick reference. The New York program, for example, established an informal, pre-arranged relationship with a number of provider groups, mostly private counseling centers.

2. Follow-up on "abandoned" or "closed" cases.

On a regular basis, staff might pursue cases where the victim is known to have received the claim forms but failed to submit them or sent in an incomplete application which was returned for more information. While many victims mistakenly determine their own ineligibility, many more remain ambivalent, inarticulate, unformed or otherwise uncertain about how to proceed with their claim. These people might be contacted to determine their difficulty rather than arbitrarily closing the file.

3. Inform victims, especially those likely to be denied, of other monetary state benefits and resources potentially available to them.

Victims should be advised of their rights to federal and state benefits and services, such as Workmen's Compensation, Social Security, or legal services, and how to obtain them. In cases where a person has been arrested and charged with committing the offense, restitution or civil actions should be explained.

4. Provide every victim with assistance in preparation for and at hearings.

Not every victim may have the foresight or resources to

hire an attorney or understand the need for assistance at the hearing stage.

Assuming the compensation program can either hire additional staff, accept volunteers, or retrain existing staff, the persons occupying victim service positions should not directly process claims. Rather, they should provide assistance or refer victims to assistance agencies. Such reorganization of procedures may enhance their capacity to interpret the victim's problems adequately, communicate clearly future actions on the claim, and otherwise reduce the time required for processing a claim.

A more comprehensive approach to victim assistance within a victim compensation program might involve the creation of special units for certain classes of cases. For example, the New York program established a separate two person investigative unit for handling cases brought by elderly citizens. The goal of this unit, funded with LEAA bloc grant monies through the New York City Criminal Justice Coordinating Council, is to "substantially reduce the number of elderly claims disallowed for failure to cooperate," by special case handling procedures (see Appendix I).

The most comprehensive and far ranging response requires a holistic perspective, integrating all victim services, including compensation, into one statewide agency, with an adequate budget. With respect to victim compensation, each victim would be able to receive assistance with the retrieval and organization of all claim information in

the same place, thereby speeding the claim decision. At the same time, each victim would also be evaluated to determine if emergency financial aid or other social services were needed. Apart from compensation-related cases, this agency would aspire to provide all types of social services, including crisis intervention, for all crime victims. In its inception, it could not immediately establish statewide service coverage but could serve as a funding mechanism for existing programs.

### C. The Role of Victim Assistance Programs

One method for organizing victim assistance in handling compensation claims may, in the absence of a comprehensive statewide victim services agency, involve cooperation with victim assistance projects. Such projects normally provide comprehensive services, e.g., counseling, crisis intervention, information about victim responsibilities in the criminal justice process, and referral to social services, staffed by people with training and experience in the provision of social services.\* The advantages of cooperation are substantial, and usually increase the number

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\* According to preliminary data collected by the American Institutes for Research in Washington, D.C., there are approximately 292 victim assistance programs in the U.S. The definition of victim assistance includes the direct provision of services to victims by local agencies and excludes crime prevention, domestic violence, pre-trial restitution and sexual assault programs, and mediation. Six states (California, Florida, Illinois, New York, Ohio, and Pennsylvania) have 44% of the projects. Of all programs counted, 49% are housed in prosecutor's offices, 17% in community based program, 13% in police departments, 6% other government agencies, 4% probation, 2% sheriff offices, and 8% in other categories.

of accepted claims, saving administrative time and cost to the compensation program.

Victim assistance programs, where they work closely with compensation programs, could conduct much of the preliminary work such as completing waivers or special forms, and contacting doctors and police for data essential to the claim, when questions arise, without bothering the victim. The victim assistance program in San Rafael, California, sends the compensation program a letter stating their desire to act as victim liaison in individual cases. In Rochester, New York, the victim assistance program in the police department, working closely with compensation claims investigators, uses the official forms from the compensation program to conduct all of the necessary investigative work, copy bills, notarize the claim materials and send the completed package on to the compensation staff, who then must only evaluate the documents. The benefits of such assistance go not only to the victim whose claims were investigated but to the investigators who experience a lightening of their caseload. The San Bernadino Victim Advocacy Program in California worked out a relationship whereby they obtain claim information from the compensation program before a decision on the application is made, correcting technical deficiencies in the application and avoiding unnecessary denials that would result in a hearing. A victim assistance agency might serve as a link with other advocacy groups that could facilitate the work of the

compensation program. For example, a victim witness program in Wisconsin resolves some of the delay and difficulty in trying to obtain documentation from hospitals by relying on health advocacy groups to obtain information from health care providers.

Effective victim assistance programs may prepare the victim for coping with program requirements and offer follow-up attention throughout the entire claims process. Prior to completing the forms, for example, a victim assistance project can explain the procedure the board uses to make its determinations, possible causes of delay, the time it may take before an award is received, and the remedies available subsequent to a denial. Anticipating questions from the board and requests for documentation on bills and income is also important, particularly prior to a hearing.

If a hearing is required, a staff member from a victim assistance project may serve as an effective advocate. In our observation of hearings, of the three ways to present a case--by the victim alone, through an attorney, or with the help of a victim advocate--it appeared that the last was the most effective.

The reasons were as follows: First, victim assistance staff work with these cases on a regular basis and are therefore especially familiar with the program's policies and the circumstances under which they will reverse a denial. This regularity of experience also familiarizes them with provider agencies from whom they must retrieve accurate documentation as quickly as possible.

Second, board determinations are not always based on legal arguments. Other types of reasoning may be more appropriate, and the victim advocate may be better skilled on these policy-oriented matters and the components of a good claim than an attorney, again, because the lay advocates are more familiar with the board's concerns.

Third, in some programs, the attorney's fee is subtracted from the award; advocates do not charge for their services.

Fourth, given the small maximum fees some programs allow attorneys to receive, they are less likely to contribute to as much time to a case as a victim advocate. The victim advocate is only limited by caseload. As one commission member in California commented, "There shouldn't be anyone coming in here without assistance all the way through the process."

The effectiveness of victim assistance agencies in handling compensation claims partially depends on close working relationships, regular contact, and predefined arrangements with the staff and board of the compensation programs. Our site visits uncovered some general problems in securing these relationships.

The major complaint that compensation staff have with victim assistance agencies concerns the incompleteness of their documentation and the poor quality of cases they refer. Knowing that the victim counselor is serving as an advocate for the victim, the compensation program staff sometimes question the accuracy of the claimant's documents;

compensation programs are inclined to believe that only they have adequate knowledge of the statute and policy, and only they have the final responsibility for awards. When mistakes occur they are blamed, not the assistance programs.

Thus, in California, proposals by victim assistance agencies that they be given some forms of licensing authority or certification powers for verifying claims have been rejected by the program, on the grounds that no one can effectively monitor the assistance agencies. Moreover, the California victim compensation staff also fear assistance programs will make inappropriate pre-determinations or mistakenly inform victims that an award is forthcoming.

Some victim assistance programs believe they understand the laws but that the compensation programs present inconsistent and arbitrary interpretations. In their view, because the compensation programs are usually in an adversary position, no harm occurs when they act as advocates for the victim to a provide balancing viewpoint. But this advocacy does not necessarily mean they cannot provide objective verification of claims. Many victims come to assistance agencies after they have been denied, indicating to assistance programs the necessity of learning the compensation laws thoroughly in order to prepare for claims challenges.

The tensions between victim compensation and victim assistance cannot and probably should not be completely resolved because the relation of each to the victim differs.



The compensation program serves interests other than the victim, while victim assistance projects are essentially advocates. Thus, an effective relationship between the compensation and victim assistance program would have each recognize both the adversarial quality of that relationship, as well as its cooperative character. On the one hand, the victim assistance project must present the victim's claim in the most favorable light possible, while the compensation program carefully reviews it for possible defects. On the other hand, there is no reason why the compensation program should not also work in behalf of victims by such means as informing victim assistance projects of their policies, or providing advance information on potential denials prior to a hearing.

A first step in fostering such cooperation would entail regular training sessions whereby representatives of the compensation program meet with victim assistance project representatives across the state to explain the law and answer questions about the claims process, particularly on the procedures for verification. For example, victim assistance projects in the San Francisco Bay area organized a meeting with the director of the compensation program in February, 1979, to ask questions about procedures, policies on compensable loss and contribution, and to receive clearer guidelines on other issues of interpretation.

Compensation staff would offer training to advocates, not to coopt them, (as they will be adverse at times) but

to improve those applications for compensation (often a majority) which would be denied merely on the basis of inadequate preparation or documentation. Preparing quality cases for compensation requires understanding what types of claims will be accepted and rejected as a matter of course. Thus, the assistance staff must be especially knowledgeable about the compensation statute and have a capacity to deal with basic legal questions about the program because, in many instances, compensation program staff may differ in their interpretation of the law with the board or commission members. While victim assistance program may expect guidance from the compensation program investigative staff, it cannot always rely on their initial interpretations about eligibility.

VI. A Note on Financing Victim Compensation

If a state with a victim compensation program intends to offer the full range of services needed for maximum effectiveness, (adequate publicity, outreach to eligible victims and support services,) new ways to increase financing for these programs must be devised. For without such increased funding, budgetary limitations will continue to act as a real deterrent to increasing the number of applications, adequate staffing, and careful consideration of each case on its own merits.

One method to finance programs which is currently being used in a few states is small fines or surcharges levied on a number of different kinds of offenders. At least nine states use such a fine system to pay for all or part of their program. These states are: California, Florida, Connecticut, Indiana, Montana, Ohio, Pennsylvania, Tennessee and Virginia.

In Pennsylvania, a \$10 surcharge is required from every person found guilty of crimes covered under the compensation statute:

Where any persons after the effective date of this act pleads guilty or nolo contendere to or is convicted of any crime as herein defined, there shall be imposed as additional costs, the sum of ten dollars (\$10). Such sum shall be paid over to the State Treasurer to be deposited in the General Fund. Under no condition shall a political subdivision be held liable for the payment of this sum of ten dollars (\$10).<sup>1</sup>

From October, 1976 - June 20, 1978, this fund accrued sufficient funds, \$1.8 million, to pay for the entire program. The district court collects the money which is then deposited

in the State Revenue Department. The surplus has been absorbed into the state's general revenue fund.

As issue in Pennsylvania is the extent to which any surplus funds could be used for victim services. At present, no mechanism exists for earmarking these funds. Further, any such appropriations would require a legislative authorization. A number of state legislators, in cooperation with victim service agencies, such as the Pennsylvania Coalition Against Rape, have expressed support for legislation which would establish a state-level office on victims to function as a conduit for funds for victim assistance programs (see Appendix L). A bill has been introduced under which these programs would be organized to meet state standards, and funded from the surplus arising out of the surcharge of offenders. There is also a proposal to raise the existing fee on marriage licenses from \$10 to \$15 and to use this money to fund domestic violence victim assistance programs.

In Florida, a statute provides that the program will be funded from a 5% surcharge on all civil and criminal penalties or fines. Using this system, the program collected \$1.7/million to pay claims and administrative costs. At the end of the year, any surplus reverts to the state treasury, but the money is earmarked for the following year.

In February, 1979, this system was thrown into disarray when the state Supreme Court declared the statute allowing a surcharge on civil penalties unconstitutional. However, the program's operations are likely to be seriously affected by this decision only if more than 25% of its budget must come out of the civil portion of the surcharge system.

In Tennessee, a court-structured program, the statute provides for a fund as follows:

Section 16. Criminal injuries compensation fund

(a) When any person is convicted of a crime against person or property after the effective date of this Act by any criminal court, there shall be imposed an additional cost, in addition to other costs required to be imposed by law, the sum of twenty-one dollars (\$21.00). All such funds shall be paid over to the comptroller of the treasury to be deposited in the fund established by this section, with the exception of one dollar (\$1.00) of each twenty-one dollars (\$21.00) imposed cost, which shall be retained by the Clerk of the Court to defray the expenses of processing such funds. Crime, as used in this section, does not include violations of section 59-1000, et seq. of the Tennessee Code.

(b) If an offender ordered to pay the twenty-one dollars (\$21.00) cost provided in subsection (a) of Section 16 is unable to pay such cost at the time of sentencing, the Clerk of the Court shall so certify to the Commissioner of Correction who shall then cause all or a proportional part of such sum to be deducted from one or more of the first twelve (12) payments made to the offenders as compensation for work performed while in the custody of the Department of Correction. The total sum so deducted shall be twenty-one dollars (\$21.00). One dollar (\$1.00) of the twenty one (\$21.00) shall be forwarded to the Clerk of the Court and twenty dollars (\$20.00) shall be deposited in the fund established in Section 16, and

(c) The Adult Probation and Parole Board shall make an investigation of the financial and other circumstances of each offender who is to be released on probation, parole, or other community based program. The board shall order payment of a percentage of the offender's income, not to exceed ten percent (10%), into the Criminal Injuries Compensation Fund established in this section, unless the interests of justice would not be served by such payments or such payments would not be possible for financial reasons. Such payments shall be in addition to the twenty-one dollars (\$21.00) cost assessed in Section 16(A).<sup>2</sup>

So far, the Tennessee program breaks even each year. Any surplus goes into a revolving fund where the money remains until needed. Theoretically, such a surplus could be reappropriated by the legislature, but additional legislation would be necessary to permit victim assistance programs to be supported with such funds.

In Virginia, offenders found guilty of treason, felony, or any offense punishable as class one or two misdemeanors are assessed \$10, which pay for the program. The current statutory provision reads as follows:

\$19.2-368.18. Criminal Injuries Compensation Fund. There is hereby created a special fund to be administered by the Comptroller, known as the Criminal Injuries Compensation Fund.

B. Where any person is convicted, after July one, nineteen hundred seventy-six, of any crime of treason, felony, or of any offense punishable as a Class 1 or Class 2 misdemeanor under Title 18.2 except a violation of article 2 (\$18.2-266 et. seq.) chapter 7. of Title 18.2 or drunkenness or disorderly conduct, by any court with criminal jurisdiction, there shall be imposed an additional cost, in the case, in addition to any other costs required to be imposed by law, of the sum of ten dollars. Such additional sum shall be paid over to the Comptroller to be deposited into the Criminal Injuries Compensation Fund. Under no condition shall a political subdivision be held liable for the payment of this sum.<sup>3</sup>

In the first full fiscal year of operation, \$284,000 was collected, a sum insufficient to meet the cost of the program. This short-fall occurred because many offenders charged with class 1 or 2 misdemeanors had the charge reduced to a class three or four misdemeanor. An amendment to the compensation statute has been proposed to cover class three and four misdemeanors.

Although there are problems with all of these surcharge techniques, as long as they do not unfairly burden offenders, they represent a promising means for insuring that compensation programs will be able to meet fully the needs of those such programs were intended to serve.

## VII. Recommendations

Our examination of the workings of victim compensation programs confirms the findings of the first CJE report on victim compensation, a study that focused on the legislative and administrative policies that govern most compensation programs. With the additional evidence collected during the site visits, we are now able to recommend a number of administrative changes that would support the policies advocated earlier.

Throughout the text of this report, we have made several explicit and implicit recommendations, some by means of example. The most important of these, in our judgment, have been summarized below, following the four-part topical discussion used in the report.

### Public Awareness

Appropriate government agencies should:

- 1) develop liaison with staff heads of all public and private agencies likely to come in contact with victims and provide them with application forms and descriptive information about the compensation program. Agencies should include hospitals, funeral directors, and social service providers;
- 2) develop a procedure within the police department for an internal review of incident-reports in order to inform each injured crime victim of the availability of benefits;
- 3) permit victim assistance projects to review police incident reports for the purpose of identifying injured crime victims missed by police and to notify those not otherwise reached.

### Denial of Awards

Victim compensation programs should:

- 1) create written guidelines, more detailed and specific than general regulations which provide the board's interpretation of the statute;



- 2) identify special circumstances and rules under which certain statutory requirements, such as late filing, may be waived;
- 3) in cases where a victim's cooperation and contribution to the crime are at issue, evaluate only those facts which can be directly related to the circumstances of the incident.

### Delay and Complexity

Victim compensation programs should:

- 1) devise a written step-by-step method for logging and monitoring claims, following-up on their status and review by supervisors so that completion of one stage does not depend on another;
- 2) devise procedures for getting payments made immediately upon an award;
- 3) devise a procedure which will permit the release of essential information, e.g., from police and hospitals, by including this authorization in the application form.
- 4) eliminate excessive documentation, simplify forms, and provide clear written instructions on all aspects of completing the applications and the steps in the processing of the claim.

### Victim Assistance

- 1) Within the compensation program:
  - a. provide all claimants with detailed information about the compensation process, including the time involved in processing;
  - b. develop a system for referring victims to other appropriate social service agencies when needs are identified;
  - c. follow-up on suspended cases where known victims have not returned forms;
  - d. inform victims of the availability of other state benefits and resources to which they may be entitled;
  - e. provide every victim with assistance in preparing for and attending hearings;

- 2) Within victim assistance programs:
  - a. develop an effective working relationship with the compensation program and train staff in its legal requirements, policies, and daily practices.
  - b. for each case referred to the compensation program, determine in advance the probability of acceptance or denial and seek out steps may be taken to avoid denial.
  - c. attend compensation hearings as an advocate for the victim.
- 3) As a thorough-going structured reform, develop a state-wide victim services agency integrating victim compensation and all other victim assistance services.

VIII. APPENDICES

APPENDICES

- A. List of State Victim Compensation Programs, Year Enacted
- B. Names, Addresses, and Telephone Numbers of Program Directors
- C. H.R. 4257 "The Victims of Crime Act of 1979
- D. Selected Excerpts from Compensation Program Annual Reports: Maryland, Minnesota and Washington
- E. Sample Brochures from Victim Compensation Programs: Delaware, Montana, and Washington
- F. Sample Claim Forms: Florida, Minnesota, and Pennsylvania
- G. Sample Fact Sheets On Victim Compensation from Victim Assistance Programs: New York, San Francisco, and Cambridge
- H. Sample Letters from Police Departments to Victims: San Rafael, California; Pasadena, California; Novato, California; San Diego, California; Los Angeles, California
- I. New York State Crime Victims Compensation Board: Unit for the Elderly
- J. Sample Interrogatories and Victim Responses: Victim Compensation Program, Commonwealth of Massachusetts
- K. Hartway v. California State Board of Control
- L. Sample Legislative Bills to Establish a Statewide Office of Victim Assistance: Florida, Maryland, and Pennsylvania
- M. New York City Department for the Aging: Security Services -- Crime Victim Assistance Program
- N. Criminal Justice and the Elderly Program Questionnaire for Compensation Program Site Visits

A. States with Victim Compensation Statutes:

| <u>STATE</u>  | <u>YEAR ENACTED</u> |
|---------------|---------------------|
| Alaska        | 1972                |
| California    | 1965                |
| Connecticut   | 1978                |
| Delware       | 1975                |
| Florida       | 1978                |
| Hawaii        | 1967                |
| Illinois      | 1973                |
| Indiana       | 1978                |
| Kansas        | 1978                |
| Kentucky      | 1976                |
| Maryland      | 1968                |
| Massachusetts | 1968                |
| Michigan      | 1976                |
| Minnesota     | 1974                |
| Montana       | 1977                |
| Nebraska      | 1978                |
| Nevada        | 1969                |
| New Jersey    | 1971                |
| New York      | 1967                |
| North Dakota  | 1975                |
| Ohio          | 1975                |
| Oregon        | 1977                |
| Pennsylvania  | 1976                |
| Rhode Island* | 1976                |
| Tennessee     | 1976                |
| Virginia      | 1976                |
| Washington    | 1974                |
| Wisconsin     | 1976                |

\* The Rhode Island Program will not be implemented until the Federal Crime Victims Compensation Act is passed.

APPENDIX B

VICTIM COMPENSATION PROGRAMS IN THE UNITED STATES

Ms. Nola K. Capp, Administrator  
Violent Crime Compensation Board  
Pouch H-OA  
Juneau, Alaska 99811  
(907) 465-3040

Mr. Richard Godegast  
Assistant Executive Secretary  
State Board of Control  
926 J Street, Suite 300  
Sacramento, California 95814  
(916) 322-4426

Mr. James D. O'Connor, Chairman  
Victim Compensation Program  
80 Washington St.  
Hartford, Connecticut 06115  
(203) 566-4156

Mr. Oakley Banning, Jr.  
Violent Crime Compensation Board  
Suite 601 - 800 Delaware Avenue  
Wilmington, Delaware 19801  
(302) 571-3030

Mr. Lee Pease  
Executive Director  
Crimes Compensation Commission  
2565 Executive Circle Center West  
Tallahassee, Florida 32301

Mr. Wilfred S. Pang  
Executive Secretary  
Criminal Injuries Compensation  
Commission  
P.O. Box 399  
Honolulu, Hawaii 96809  
(808) 548-0680

Ms. Pat Goldman, Director  
Crime Victims Program  
Dept. of the Attorney General  
160 North LaSalle Street  
Chicago, Illinois 60601  
(312) 793-2585

Mr. Lon C. Woods, Director  
Violent Crime Compensation Division  
17 West Market Street, #546  
Indianapolis, Indiana 46204  
(817) 633-7083

Ms. Betty Bomar, Director  
Crime Victims Reparation Board  
503 Kansas Avenue Suite 343  
Topeka, Kansas 66603  
(913) 296-2339

Ms. Cattie Lou Miller  
Executive Director  
Crime Victims Compensation Board  
113 E. Third Street  
Frankfort, Kentucky 40601  
(502) 564-2291

Mr. Martin Moylan,  
Executive Director  
Criminal Injuries Compensation Board  
1123 N. Eutaw Street  
601 Jackson Towers  
Baltimore, Maryland 21201  
(301) 523-5000

Mr. Paul J. Donaher  
Assistant Attorney General  
One Asburton Place  
Boston, Massachusetts 02108  
(617) 727-5025

Mr. Thomas E. Woods  
Chairman and Executive Director  
Crime Victims Compensation Board  
The Plaza Hotel, Suite 809  
111 S. Capitol Avenue  
Lansing, Michigan 48909  
(517) 374-9484

Mr. Duane E. Woodworth  
Executive Director  
Crime Victims Reparations Board  
702 American Center Building  
160 E. Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 296-7080

Ms. Cheryl Bryant, Director  
Crime Victims Unit  
Workmen's Compensation Division  
815 Front Street  
Helena, Montana 59601  
(406) 449-2047

Ms. Imogene Bruce  
Crime Victims Reparation Board  
State Capital 6th Floor  
Lincoln, Nebraska 68509  
(402)-417-2828

Mr. Howard E. Barrett  
Director of Administration  
Board of Examiners  
Room 205, Blasdel Building  
209 E. Muser Street  
Carson City, Nevada 89710  
(702) 885-4065

Mr. Thomas Kaczmarek, Chairman  
Violent Crime Compensation Board  
1100 Raymond Blvd. Room 101F  
Newark, New Jersey 07102  
(201) 648-2107

Mr. Ronald Zweibel, Director  
Crime Victims Compensation Board  
875 Central Avenue  
Albany, New York 12206  
(518) 457-4060  
(212) 488-5080

Mr. Richard J. Gross  
Executive Director  
Crime Victims Reparations  
Workmen's Compensation Bureau  
Russell Building, Highway 83 North  
Bismarck, North Dakota 58505  
(701) 224-2700

Mr. Robert B. Belz, Director  
Victim Crime Program  
Court of Claims  
255 E. Main Street, Second Floor  
Columbus, Ohio 43215  
(614) 466-6480

Mr. Jack Parks, Director  
Crime Victims Compensation Fund  
SAIF Building  
Salem, Oregon 97312  
(503) 378-5348

Ms. Jo Ann Zakielarz, Administrator  
Crime Victims Compensation Board  
1920 Paxton Street  
Harrisburg, Pennsylvania 17104  
(717) 783-5153

Mr. Keith Jordan  
Assistant Attorney General  
State Board of Claims  
450 James Robertson Parkway  
Nashville, Tennessee 37219  
(615) 741-2734

Mr. Robert Armstrong, Director  
Division of Crime Victims Compensation  
Department of Workmen's Compensation  
Industrial Commission of Virginia  
P.O. Box 1794  
Richmond, Virginia 23214  
(804) 786-5170

Mr. Calvin Winslow, Administrator  
Crime Victims Division  
Department of Labor and Industries  
Olympia, Washington 98504  
(206) 753-6318

Mr. Harry F. Benkert  
Deputy Administrator  
Crime Victim Compensation Bureau  
P.O. Box 7951  
Madison, Wisconsin 53707  
(608) 266-6470

APPENDIX C

H.R. 4257: "The Victims of Crime Act  
of 1979."

At this writing, H.R.4257 has passed the  
House Judiciary Committee and is awaiting  
action by the full House.



[COMMITTEE PRINT]

JUNE 8, 1979

Union Calendar No.

98TH CONGRESS  
1ST SESSION

**H. R. 4257**

[Report No. . ]

To help States assist the innocent victims of crime.

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IN THE HOUSE OF REPRESENTATIVES

MAY 30, 1979

Mr. RODINO (for himself and Mr. DRINAN) introduced the following bill; which  
was referred to the Committee on the Judiciary

JUNE 1979

Reported with amendments, committed to the Committee of the  
Whole House on the State of the Union, and ordered to be  
printed

[Omit the part struck through and insert the part printed in italic]

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**A BILL**

To help States assist the innocent victims of crime.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 SHORT TITLE

2 SECTION 1. This Act may be cited as the "Victims of  
3 Crime Act of 1979".

4 POWERS OF THE ATTORNEY GENERAL

5 SEC. 2. (a) Subject to the availability of amounts appro-  
6 priated, the Attorney General shall make an annual grant  
7 and may make supplemental grants for compensation of vic-  
8 tims of crime to each State program that qualifies under sec-  
9 tion 4. Except as provided in section 5, the grants made to a  
10 qualifying State program under this Act with respect to a  
11 Federal fiscal year shall equal—

12 (1) 25 per centum of the then current cost, as de-  
13 termined by the Attorney General, of such State pro-  
14 gram with respect to qualifying crimes that are de-  
15 scribed in section 7(S)(A); and

16 (2) 100 per centum of the then current cost, as  
17 determined by the Attorney General, of such State  
18 program with respect to qualifying crimes that are de-  
19 scribed in section 7(S)(B).

20 (b) For the purpose of carrying out the provisions of this  
21 Act, the Attorney General is authorized to—

22 (1) prescribe such rules as are necessary to carry  
23 out this Act, including rules regarding the data to be  
24 kept by State programs receiving assistance under this

1 Act and the manner in which these data shall be re-  
2 ported to the Attorney General; and

3 (2) approve in whole or in part, or deny, any ap-  
4 plication for an annual or supplemental grant under  
5 this Act.

6 (c) Grants under this section may be made in advance or  
7 by way of reimbursement. The Attorney General shall not  
8 have the power to modify the disposition of any individual  
9 claim that has been processed by any State program.

10 ADVISORY COMMITTEE

11 SEC. 3. (a) There is established an Advisory Committee  
12 on Victims of Crime (hereinafter in this Act referred to as the  
13 "Committee") which shall advise the Attorney General with  
14 respect to the administration of this Act and the compensa-  
15 tion of victims of crime. The Committee shall consist of nine  
16 members, one of whom shall be designated the Chairman, all  
17 appointed by the Attorney General. Seven members of the  
18 Committee shall be officials of States with programs qualify-  
19 ing under section 4. The Committee shall meet at least two  
20 times a year, and at such other times as the Attorney Gen-  
21 eral may direct. The term of office for each member of the  
22 Committee shall be one year. The Committee shall remain in  
23 existence until September 30, 1983.

24 (b) While away from their homes or regular places of  
25 business in the performance of services for the Committee,

1 members of the Committee shall be allowed travel and trans-  
 2 portation expenses, including per diem allowance, in the  
 3 same manner and to the same extent as persons employed  
 4 intermittently in the Government service are allowed travel  
 5 and transportation expenses under subchapter I of chapter 57  
 6 of title 5 of the United States Code.

7 QUALIFYING STATE PROGRAMS

8 SEC. 4. (a) A State proposing to receive grants under  
 9 this Act shall submit an application to the Attorney General  
 10 at such time and in such form as the Attorney General shall  
 11 by rule prescribe. A State program for the compensation of  
 12 victims of crime qualifies for grants under this Act if the At-  
 13 torney General finds that such program is in effect in such  
 14 State on a statewide basis during any part of the Federal  
 15 fiscal year with respect to which grants are to be made and  
 16 that such program meets the following criteria:

17 (1) The program offers—

18 (A) compensation for personal injury to ~~any~~  
 19 ~~individual who suffers~~ *individuals who suffer* per-  
 20 ~~sonal injury that is the result of a qualifying~~  
 21 ~~crime; and~~

22 (B) compensation for death to ~~any surviving~~  
 23 ~~dependent of any individual whose death is sur-~~  
 24 ~~viving dependents of individuals whose deaths are~~  
 25 the result of a qualifying crime.

1           (2) The program offers the right to a hearing with  
2 administrative or judicial review to aggrieved  
3 claimants.

4           (3) The program requires as a condition for com-  
5 pensation that claimants cooperate with appropriate  
6 law enforcement authorities with respect to the qualify-  
7 ing crime for which compensation is sought.

8           (4) There is in effect in the State a requirement  
9 that appropriate law enforcement agencies and officials  
10 take reasonable care to inform victims of qualifying  
11 crimes about—

12                   (A) the existence in the State of a program  
13 of compensation for injuries sustained by victims;  
14 and

15                   (B) the procedure for applying for compensa-  
16 tion under that program.

17           (5) There is in effect in the State a law or rule  
18 that the State is subrogated to any claim the victim, or  
19 a dependent of the victim, has against the perpetrator  
20 of the qualifying crime for damages resulting from the  
21 qualifying crime, to the extent of any money paid to  
22 the victim or dependent by the program.

23           (6) The program does not require any claimant to  
24 seek or accept any benefit in the nature of welfare  
25 unless such claimant was receiving such benefit prior

**CONTINUED**

**1 OF 3**

1 to the occurrence of the qualifying crime that gave rise  
2 to the claim.

3 (7) The program requires denial or reduction of a  
4 claim if the victim or claimant contributed to the inflic-  
5 tion of the death or injury with respect to which the  
6 claim is made.

7 (8) There is in effect in the State a law or rule  
8 that, in addition to or in lieu of any other penalty, a  
9 perpetrator of a crime ~~may be required to make resti-~~  
10 ~~tution is required to make restitution, where appropri-~~  
11 ~~ate,~~ to any victim or victim's surviving dependent for  
12 that crime.

13 (9) The program does not require that any person  
14 be apprehended, prosecuted, or convicted of the quali-  
15 fying crime that gave rise to the claim.

16 (10) There is in effect in the State a law or rule  
17 that there be assessed upon any person convicted of a  
18 qualifying crime as a cost of court (in addition to any  
19 other costs assessed under law) a sum not less than  
20 \$5- payable to that fund from which the State pays  
21 victim compensation awards.

22 (11) There is in effect in the State a law or rule  
23 requiring any person contracting directly or indirectly  
24 with an individual formally charged with or convicted  
25 of a qualifying crime for any rendition, interview,

1 statement, or article, relating to such crime to deposit  
 2 any proceeds owing to such individual *or his designee*  
 3 under the terms of the contract into an escrow fund for  
 4 the benefit of any victims of such qualifying crime or  
 5 any surviving dependents of any such victim, if such  
 6 individual is convicted of that crime, to be held for  
 7 such period of time as the State may determine is  
 8 reasonably necessary to perfect the claims of such  
 9 victims or dependents *and fully to pay the compensa-*  
 10 *tion awarded to such victim or dependent pursuant to*  
 11 *the State program.*

12 (b) ~~If a State has a crime victim compensation program~~  
 13 ~~in effect on the effective date of this Act which does not~~  
 14 ~~otherwise qualify under subsection (a), such program shall be~~  
 15 ~~deemed qualified for grants under this Act until the day after~~  
 16 ~~the close of the first regular session of the State legislature~~  
 17 ~~that begins after the effective date of this Act.~~

#### 18 LIMITATIONS ON FEDERAL GRANTS

19 SEC. 5. For purposes of computing the annual cost of a  
 20 qualifying State program for grants under section 2, there  
 21 shall be excluded from such cost—

- 22 (1) administrative expenses of the program;
- 23 (2) any State compensation award for—
- 24 (A) pain and suffering; or
- 25 (B) property loss;



1 (3) any State compensation award to any  
2 claimant—

3 (A) who failed to file a claim under the State  
4 program within one year after the occurrence of  
5 the qualifying crime, unless good cause for such  
6 failure has been found by the appropriate State  
7 agency; or

8 (B) who failed to report the qualifying crime  
9 to law enforcement authorities within seventy-two  
10 hours after the occurrence of that qualifying  
11 crime, unless good cause for such failure has been  
12 found by the appropriate State agency;

13 (4) any amount by which compensation awards  
14 with respect to a victim exceed \$25,000;

15 (5) any compensation for loss compensable under  
16 the State program that a claimant was entitled to re-  
17 ceive from a source other than—

18 (A) the State compensation program; or

19 (B) the perpetrator of the qualifying crime;

20 (6) any State compensation award for lost earn-  
21 ings or loss of support to the extent such award is  
22 greater than \$200 a week per victim.

23 REPORT OF THE ATTORNEY GENERAL

24 SEC. 6. Not later than one hundred and thirty-five days  
25 after the end of each Federal fiscal year in which grants are

1 made to State programs under this Act, the Attorney Gener-  
 2 al shall submit a report to the House and Senate Committees  
 3 on the Judiciary. The report shall include—

4 (1) with regard to each qualifying State  
 5 program—

6 (A) the number of persons compensated;

7 (B) a statistical presentation of—

8 (i) the kinds and corresponding amounts  
 9 of loss compensated;

10 (ii) the range in monetary value of  
 11 claims awarded;

12 (iii) the reasons for denial of claims; and

13 (iv) the types of crimes that resulted in  
 14 claims;

15 (C) a description of the administrative mech-  
 16 anisms and procedures used in processing claims,  
 17 including claims for emergency assistance if the  
 18 program provides for such assistance;

19 (D) the time required to process claims, in-  
 20 cluding claims for emergency assistance if the  
 21 program provides for such assistance;

22 (E) efforts made to publicize the program;

23 (F) administrative expenses; and

24 (G) the number of qualifying crimes described  
 25 in section 7(S)(B) that were compensated; and

1 (2) with regard to the activities of the Attorney  
2 General in carrying out this Act—

3 (A) an itemized statement of grants and  
4 expenditures;

5 (B) copies of rules made under section 2(b);  
6 and

7 (C) projected expenditures for the Federal  
8 fiscal year in which the report is required to be  
9 submitted.

10 DEFINITIONS

11 SEC. 7. As used in this Act—

12 (1) the term "dependent" means, with respect to  
13 a State compensation program, any dependent as de-  
14 fined by such State for purposes of such program;

15 (2) the term "personal injury", with respect to a  
16 State compensation program, means personal injury as  
17 defined by the State for such program;

18 (3) the term "State" means a State of the United  
19 States, the District of Columbia, the Commonwealth of  
20 Puerto Rico, the Trust Territory of the Pacific Islands,  
21 or any other territory or possession of the United  
22 States.

23 (4) the term "compensation for personal injury"  
24 means compensation for loss that is the result of per-  
25 sonal injury caused by a qualifying crime, including—

1 (A) all reasonable expenses necessarily in-  
2 curred for ambulance, hospital, surgical, nursing,  
3 dental, prosthetic, and other medical and related  
4 professional services and devices relating to physi-  
5 cal or psychiatric care, including nonmedical care  
6 and treatment rendered in accordance with a  
7 method of healing recognized by the law of the  
8 State;

9 (B) all reasonable expenses necessarily in-  
10 curred for physical and occupational therapy and  
11 rehabilitation; and

12 (C) loss of past and anticipated future  
13 earnings;

14 (5) the term "property loss" does not include ex-  
15 penses incurred for medical, dental, surgical, or pros-  
16 thetic services and devices;

17 (6) the term "compensation for death" means  
18 compensation for loss that is the result of death caused  
19 by a qualifying crime, including—

20 (A) all reasonable expenses necessarily in-  
21 curred for funeral and burial expenses; and

22 (B) loss of support to any dependent of a  
23 victim, not otherwise paid as compensation for  
24 personal injury, for such period as the dependency

1 would have existed but for the death of the  
2 victim;

3 (7) the term "administrative expenses" means any  
4 expenses not constituting compensation for death or  
5 compensation for personal injury, and includes any fee  
6 awarded by the State agency administering a State  
7 compensation program to any claimant's attorney, if  
8 such fee is paid in addition to, and not out of, the  
9 amount of compensation awarded to such claimant; and

10 (8) the term "qualifying crime", with respect to a  
11 qualifying State program, means—

12 (A) any criminally punishable act or omission  
13 which such State designates as appropriate for  
14 compensation under its program; or

15 (B) any act or omission that would be a  
16 qualifying crime under subparagraph (A) except  
17 for the fact that such act or omission is subject to  
18 exclusive Federal jurisdiction.

19 AUTHORIZATION

20 SEC. 8. For the purpose of carrying out the provisions  
21 of this Act, there are authorized to be appropriated  
22 \$15,000,000 for the fiscal year ending September 30, ~~1981~~  
23 1980; \$25,000,000 for the fiscal year ending September 30,  
24 ~~1982~~ 1981; and \$35,000,000 for the fiscal year ending Sep-  
25 tember 30, ~~1983~~ 1982.

EFFECTIVE DATE

1  
2 . . SEC. 9. This Act shall take effect on October 1, 1979,  
3 and grants may be made under this Act with respect to the  
4 fiscal year which ends September 30, 1980, and succeeding  
5 fiscal years.

APPENDIX D

ANNUAL REPORTS: MARYLAND, MINNESOTA,  
AND NEW YORK (excerpts)

NINTH REPORT OF THE  
CRIMINAL INJURIES COMPENSATION BOARD  
STATE OF MARYLAND

TO:

Honorable Blair Lee  
Acting Governor of the State of Maryland

Colonel Robert J. Lally, Secretary  
Department of Public Safety and  
Correctional Services

Honorable Legislative Council  
State of Maryland

Gentlemen:

We have the honor to submit this, our Ninth Report:

I. ADMINISTRATIVE BACKGROUND

This report covers the period of July 1, 1977 through June 30, 1978. It is the ninth year of the Board's existence.

The Criminal Injuries Compensation Board was created on July 1, 1968. The State of Maryland was one of the first states in this country to create a program of compensation to crime victims. Since that time, several additional states have created similar programs and presently the federal government is considering a program. Numerous other states and Senator Mansfield's office, have called upon this Board for its experience looking forward to adopting some program to compensate innocent victims of crime. This Board has always cooperated with these inquiries and will continue to do so in the future.

In January of 1978, the Sixth International Conference for the Compensation to the Innocent Victims of Crime was held in Honolulu, Hawaii.

The organization's primary goals are the co-ordination and cooperation of the various Criminal Injuries Compensation schemes. The creation of these organizations reflect the awakening of the social consciences of the people of the western world towards the compensation and rehabilitation of the innocent victims of crime.

The Second Annual Conference of Crime Victim Compensation Boards will be held in November, 1978 in Washington, D.C. Martin I. Moylan, Executive Director of this agency was elected Chairman of the Association in 1977.

We are cooperating and exchanging information and statistics with the Members of the organizations and the benefits derived are invaluable.

II. CATEGORIES OF AWARDS

We shall set forth later in this report an analysis of the claims, together with the type of crime committed, as well as separate the claims generally into three categories.

- a. Lump sum payments—where the claimant returns to work with no diminution in earnings.

- b. Protracted claims—where the decision is made and then provides for periodic monthly payments during the continued disability and diminution in earnings, and lastly
- c. Death claims—where again the decision is made making an award up to the time of the decision and then providing for a monthly payment to the dependents.

Our awards are paid pursuant to Section 36 of Article 101 of the Annotated Code of Maryland, which is the Award Section of the Maryland Workmen's Compensation statute.

### III. RULES AND REGULATIONS

This Board, pursuant to the provisions of its statute, adopted Rules and Regulations, which were approved and duly filed with the Secretary of State, Clerk of the Court of Appeals, etc. The Board in these Rules and Regulations set up certain guidelines to determine serious financial hardship. Unless serious financial hardship is shown, no award can be made.

### IV. PUBLIC AWARENESS

The number of applications received last year increased dramatically over the number received in the prior year. Inasmuch as there has been and there continues to be an increase in public awareness of the legislation and of the Board, we anticipate similar substantial increases in the next fiscal year. Notwithstanding the increase in applications submitted to us, we note that not all of the victims of what appeared to be eligible crimes committed in Maryland are filing applications. For that reason, we will continue to discharge our responsibilities to advise the public concerning the benefits available under the statute. We consider this duty of advising and informing our citizenry to be an extremely important and continuing one.

The Board has been the subject of numerous newspaper releases and stories. We have also used and are indebted to various radio stations for allowing us public service time for spot announcements. Radio and television stations in Baltimore, New York, Washington, D.C., Hagerstown, and Salisbury have also conducted programs explaining the Criminal Injuries Compensation Board.

We have also contacted all the Social Service Departments, Police Departments, Workmen's Compensation Commission, various state departments, county departments, Legal Aid Societies and all hospital and similar types of organizations, informing them of our Board. The Board also prepared a brochure explaining, in layman's terms, the statute. The Board has now distributed over 300,000 of these brochures in all parts of the State.

The Board recognizes that the public is not as yet well informed and we shall continue our efforts within our own limitations to make use of the news media, radio and television to accomplish this.

### V. TIME LIMITATIONS

In order to be eligible for an award, police records must show that the crime was reported to the police no more than 48 hours after the occurrence of such crime. This requirement can be waived by the Board in exceptional circumstances upon the showing of good cause. Claims must also be filed not later than 180 days after the occurrence of the crime upon which claim is based, or not later than 180 days after the death of the victim. The Board can for good cause shown extend the time for filing up to two years.



## VI. STATISTICAL EXPLANATIONS

The number of claims that were accepted and investigated was 476 and in addition to that, there were what shall be termed as inquiries, 1,200. These inquiries were not processed by opening a file and starting an investigation because the Secretary of the Board, who is also the Executive Director, did not find the claimants to be eligible under our statute. We have had for example, a number of inquiries from citizens of this state, who were injured in crimes that took place in other states and in particular, the District of Columbia. We have also had inquiries from various creditors and distant relatives of the deceased victims who do not meet the eligibility of the statute. Crimes involving automobiles are also excluded by the statute unless intentionally committed and are likewise rejected by the Secretary. Sometimes it also becomes necessary for a preliminary investigation to be conducted to determine if the claim or inquiry was one that should be accepted for investigation. This is done to save the time of the investigative staff and save the costs of processing the claim. There were 407 decisions rendered, of which 341 awards were made and 66 were disallowed. The reasons for disallowance of the claims are as follows:

|  |    |
|--|----|
| No Crime . . . . .                         | 2  |
| Failure to Cooperate with Police . . . . . | 8  |
| No loss of support . . . . .               | 5  |
| No serious financial hardship . . . . .    | 32 |
| Failure to furnish information . . . . .   | 1  |
| Provocation . . . . .                      | 33 |
| No police report filed . . . . .           | 8  |
| Ineligible . . . . .                       | 1  |
| Member of a family . . . . .               | 4  |

There were 412 personal injury claims and 64 death claims. The type of crime is illustrated by the following:

|                         |     |
|-------------------------|-----|
| Assault . . . . .       | 216 |
| Stabbed . . . . .       | 48  |
| Murdered . . . . .      | 64  |
| Shot . . . . .          | 111 |
| Rape . . . . .          | 18  |
| Miscellaneous . . . . . | 19  |

Of the 407 decisions which were rendered by the single Board Member, there were 36 Appeals to the full Board. Full Board Appeals are held in the Board's offices in Baltimore, Maryland. However, the Board members and the Executive Director, who also functions as a hearing officer, conduct hearings throughout the State. The full Board has affirmed 16 cases on Appeal and 16 were reversed and 5 were allowed to be reopened for further investigation and/or further proof to be submitted.

At the present time, 86 death claims and 94 personal injury claims are being paid monthly.

Since periodic payments are made monthly in protracted and death cases, periodic checks are made to determine if the payments should continue. In protracted cases, if there is a change in dependency, remarriage, emancipation or any other circumstances or contingency that would alleviate claimant's financial hardship, payments are then stopped.

## VII. PROCEDURES IN FILING AND HANDLING CLAIMS

1. Upon inquiry to the Board, a claim form is given or mailed to the prospective claimant, who is advised to submit the completed form

- together with medical reports, receipts and the material to support his claim.
2. When the executed claim form is filed with the Board it is reviewed by the Secretary to determine if the claimant is in compliance with statutory eligibility and jurisdictional requirements.
  3. If the claim is accepted by the Secretary, it is docketed and a file is set up on the claim.
  4. The Board then acknowledges the claim and contacts the appropriate police department for a copy of the police report.
  5. An investigation is conducted to determine and verify various aspects of the crime and the injuries and expenses incurred thereby.
  6. If a hearing is deemed necessary, the claim is scheduled for a hearing before a single Commissioner and all appropriate witnesses are notified and subpoenaed if necessary. These hearings are conducted throughout the State.
  7. While the evidence is given under oath, the Board tries to develop an atmosphere of informality in the hearing room which is conducive to the obtaining of the required information in support of a claim.
  8. If claimant is dissatisfied with the decision of the single Commissioner, he can request a reconsideration by the full Board.
  9. The full Board's hearings are usually conducted in Baltimore.
  10. When a final decision is made at either level and it is acceptable to the claimant, it is then sent to the Attorney General and Secretary of the Department of Public Safety and Correctional Services, who have 30 days to take an appeal to the appropriate court if they think the award is improper.
  11. If no Appeal is taken, the award becomes final.
  12. In protracted awards the Board pays each award as specified direct to the claimant.

The Board has investigated and rendered a number of decisions in less than 30 days. However, the average is 60 days. There are, of course, many reasons that delay the Board's decisions. The State's Attorney may request the Board to discontinue investigation until he advises that the Board can proceed. This generally means awaiting the disposition of the criminal matter. In other claims, there may be delays due to the fact that it is impossible to determine the degree of permanent disability until maximum physical improvement is reached.

It is also difficult in death claims to complete the investigation where there are Social Security benefits undetermined, as well as Workmen's Compensation claims undecided.

In other instances it is impossible to obtain the information from Blue Cross or Blue Shield because enough time has not elapsed from the time the claimant was discharged from the hospital, or he is still under the doctor's care and a final bill with Blue Cross and Blue Shield benefits is not available.

There is also delay experienced with respect to verification of the financial resources of the claimant.

It has been found that even where there are serious questions to be determined, and the claimant cooperates, a speedy conclusion can be rendered.

However, in claims where there is provocation which requires intensive investigation, there is delay experienced due to attempting to locate and interview reticent witnesses.

## VIII. EMERGENCY AWARDS

Emergency Awards are made in cases pending a final decision where

undue hardship is evidenced. In the past year 41 emergency awards were made.

**IX. ATTORNEYS**

The claimant is entitled to representation by an attorney from the time the claim is filed. Over 90% of the claimants are represented by attorneys.

**X. PROJECTIONS**

The projected number of claims can be better estimated now that we have completed our ninth year of operation.

It is believed there will be at least 600 claims filed which will require investigations. This does not include the inquiries which we expect we will be able to handle in the same way as hereinabove outlined.

Not only is the public better informed and becoming more so continually, but the distribution of brochures and the publicity that has been given to the Board certainly are factors that should be considered.

**XI. COSTS**

Section 17 of the statute imposes an additional \$5.00 in Court costs on all persons convicted of a crime by any Judge with criminal jurisdiction in the State. The following court costs have been collected by the Comptroller: been collected by the Comptroller:

| <i>Fiscal Year</i> | <i>Collected</i> | <i>Expended</i> | <i>Awards</i> |
|--------------------|------------------|-----------------|---------------|
| 1974. . . .        | 104,964.47       | 635,874.27      | 771,766.40    |
| 1975. . . .        | 118,063.90       | 1,000,207.21    | 1,577,644.19  |
| 1976. . . .        | 131,542.25       | 1,127,857.00    | 1,700,588.87  |
| 1977. . . .        | 131,981.11       | 1,227,186.00    | 1,248,359.64  |
| 1978. . . .        | 268,261.01       | 1,192,305.00    | 1,468,288.86  |
| 1979. . . .        | 300,000.00       | 1,500,000.00    | 1,600,000.00  |

**XII. PAYMENT OF AWARDS**

Our awards in the past fiscal year totalled \$1,468,288.86. Of that total, \$561,833.75 was awarded in lump sum payments and \$906,455.11 was awarded in protracted payments none of which vested to the claimant and in the event of a change in circumstances regarding the claimant, such as death, the unpaid portion will terminate and revert to the State. All protracted payments are paid monthly by the Board's staff. Currently, approximately \$38,000.00 is being paid monthly in protracted payments or \$456,000.00 annually. It is anticipated that in the current fiscal year these protracted payments will grow.

Attached hereto is a partial summary of the decisions which have been made by this Board during the past year.

**XIII. REDUCTION OF AWARDS**

The Board can reduce an award or deny it altogether if it determines that the claimant contributed to the infliction of his injury. It has been our experience that a thorough review of the crime, beyond that of the police and court records, is necessary in approximately 20% of our claims.

#### XIV. POLICY, INTENT AND PHILOSOPHY

The reasons for compensating innocent victims of violent crime are expressed in the declaration of policy and the legislative intent in the statute, such as the failure of the state to insure the safety of its citizens and a sense of responsibility which a humane society feels for victims of crime. However, there are other compelling reasons to reimburse innocent victims of violent crimes. The worry that encompasses a victim while recovering from the injuries and without funds to pay his medical expenses, or to maintain his family is undoubtedly more harmful to his recovery than the pain that he suffers.

The traumatic impact upon the family of the victim who dies facing the future with uncertainty of not only how to pay the medical and/or funeral bill, but where they will turn to replace the support lost through death.

The State of Maryland, being one of the leaders in this field, reflects the awakening of the social consciousness of the people of the western world to the assisting of innocent victims of crime in somewhat the same manner that State mandated programs provide for illness, disability, old age and unemployment.

During the past year the Board has learned from police agencies that in many instances the victim is not interested in prosecution of his assailant because he has many more immediate and pressing problems. In addition, the victim without the benefits of this statute is left with nothing except his bills, the worry of his family, as well as the disruption of his household. However, since the innocent victim of crime in the State of Maryland may file a claim, it is hoped, and there has been some experience to indicate, that he would be more willing to cooperate with the law enforcement agencies knowing someone cares about him. In this respect the victim who was an unwilling and uncooperative witness now becomes a willing and cooperative witness.

The Board has continued to treat each claimant not as an adversary, but rather to determine the full and true facts concerning each claim. We are dedicated to seeing that those people who are entitled to an award shall receive the same, but we are equally dedicated and vigorous in our investigation to deny an award to anyone who is not entitled to the same.

It is the feeling of the Board that the assistance afforded the innocent victim of a crime is helping and aiding in the administration of justice.

#### XV. INTER-AGENCY COOPERATION

Finally, the Board acknowledges the cooperation of the State's Attorneys throughout the State in aiding in this program.

We also acknowledge the cooperation of each and every law enforcement agency and particularly the State Police who have been of great assistance and willingly have made the information available.

The Board expresses its thanks to the staff, which has not been increased since this program started for the handling of the paper work and the investigators for expediting the investigations. They have helped develop and invoke enthusiasm and energy in all matters.

The Board is sincerely appreciative of the continued support and counsel of Sec. Lally and Dept. Sec. Tully of the Department of Public Safety and Correctional Services; and the various members of the Governor's staff who somehow always manage to find time to consider problems and suggest advice.

#### XVI. ANALYSIS AND FUTURE NEEDS

As noted in prior paragraphs, it is anticipated that the work load of this agency will greatly increase every year for the next few succeeding years. Consequently, budget needs will increase yearly. To substantiate this position, we need only refer to continual public awareness, crime statistics and the experience of other States such as New York and Hawaii. Moreover, the need of additional staff as well as at least one or more full time Commissioners will arise in the very near future according to projections at this time. We shall continue our endeavors to implement the most effective and efficient administrative systems and methods to implement the statute at the least possible cost. Because of the new legalistic concept of our statute as well as the newness of our physical operation, unique and complex legal problems are raised at almost every full Board hearing. For these reasons, we must constantly in our service to the public and State, be on guard with respect to the legal and constitutional needs of all parties. As a result of our experiences, we also intend to submit various amendments to the law through the Secretary of our Department which we believe will further implement the philosophy and spirit of the Criminal Injuries Compensation Act.

#### XVII. ACKNOWLEDGEMENTS

As Chairman of this agency, I especially commend William M. Linton and Marshall M. Meyer, my brother Commissioners, and Martin I. Moylan, our Executive Director without whose tremendous efforts and cooperation, the program would not have progressed to its present status. Each year their duties have increased, and each year they have given of themselves unselfishly and with complete dedication. I consider it an honor to be associated with these gentlemen, and respectfully state that the success of the program is due in great part to the respective contributions of their efforts and enthusiasm.

The Board lost the excellent services of Commissioner George H. C. Arrowsmith in April, 1978. The Board is greatly indebted to him for his substantial contribution to the over-all effectiveness of the Board.

All of which is respectfully submitted.

Dated: October 1, 1978  
Baltimore, Maryland

MARTIN I. MOYLAN  
Secretary to the Board and  
Executive Director.

JOSEPH PICKUS, Chairman  
WILLIAM M. LINTON, Commissioner  
MARSHALL M. MEYER, Commissioner

THIRD ANNUAL REPORT OF THE  
CRIME VICTIMS REPARATIONS BOARD  
STATE OF MINNESOTA

TO:

Honorable Rudy Perpich  
Governor of the State of Minnesota

Edward Novak, Commissioner  
Department of Public Safety

Honorable Legislators  
State of Minnesota

I. LEGISLATION

The Minnesota Crime Victims Reparations Law has been in effect since July 1, 1974. It enables compensation to be paid to or on behalf of innocent victims of crime involving personal injury or death. The full text of the legislation is found at Minn. Stat. §§ 299B.01 et seq. Originally the maximum award that could be made was \$10,000.00. This was raised to \$25,000.00 effective July 1, 1977.

Persons who may make a claim for economic loss occasioned by the crime are limited to: 1) the victim; 2) dependents of a deceased victim; 3) the estate of a deceased victim; 4) any person who has purchased services for the victim; and 5) the guardian, conservator, or agent of any of the above persons.

Upon receipt of a Preliminary Claim Form, the Executive Director determines initially whether minimal eligibility has been met. The following statutory requirements must be in evidence on the claim form before the same is processed: 1) a crime as defined in M.S. § 609.02, Subdivision 1, must have been committed; 2) the crime must have been reported to the proper law enforcement authorities within the time period designated in M.S. § 299B.03, Subdivision 2 (a), or within five days, unless the Board feels there are extenuating circumstances that allow extension of that time; 3) that the victim or claimant has fully cooperated with the police and other law enforcement officials; 4) that the victim is not the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the Board determines that the interests of justice otherwise require in a particular case; 5) the claimant is not the offender or accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; 6) that the claim does not arise . . . out of the use of a motor vehicle, aircraft, or watercraft; 7) is not a claim for personal property; 8) that the victim is an innocent victim of the crime having been committed against his or her person; and 9) must file a claim with the Board within one year of the happening of the event.

If the claim then meets these standards for eligibility, the claimant is requested to submit a Supplementary Claim Form, duly executed and notarized, which indicates the loss sustained by the claimant and as to what part of the loss has been paid through collateral sources such as private hospitalization or medical plans, free health care, Social Security or any other collateral source that comes from the county, city, state or federal government.

A certificate is then sent to the law enforcement agency involved in investigating the crime to determine whether the claimant has filled the requirements of the statute. The law enforcement officers are asked to indicate when the crime was reported, if the claimant was fully cooperative with them, and whether or not the claimant is considered by them to be an "innocent victim of crime".

The Executive Director as part of his investigative responsibilities verifies: 1) whether or not the claimant is/was employed, the income reported and its documentation; and 2) the hospital and medical bills possibly reimbursed by insurance or any other collateral sources.

When the Executive Director certifies a claim as complete, he drafts certain Recommendations, Findings of Fact, and Order for payment, for the review of the Board member assigned to the claim; the Board member then makes a decision, and the claimant is notified of it. If the claimant is dissatisfied, he or she can apply within 30 days in writing for a review of the decision by the full Board in a hearing governed by the rules and regulations adopted by the Board.

Payment is made for economic loss which is defined as actual economic detriment incurred as a direct result of injury or death, and includes, for injury: 1) reasonable expenses for necessary hospital, medical, chiropractic, rehabilitative, and dental products, services or accommodations, including ambulance services, drugs, appliances and prosthetic devices; psychological or psychiatric services where necessary for rehabilitation; loss of income; and reasonable expenses for substitute child care or household services.

In case of death, economic loss is limited to: 1) reasonable expenses for funeral or cremation and burial; for medical, hospital chiropractic, rehabilitative, psychological or psychiatric, services which were incurred because of the crime and prior to death and for which the victim's survivors or estate are liable; 2) loss of support to the deceased's dependents but excluding services he would have performed; and 3) reasonable expenses for substitute child care and household services which the deceased would have performed.

A claim is reduced by collateral sources which include: 1) medical and hospitalization insurance; 2) disability insurance payments; 3) welfare payments; 4) Worker's Compensation payments; 5) Social Security payments; and 6) voluntary gifts or donations; 7) the term does not include life insurance; and 8) and by the \$100.00 deductible.

In no case is payment made for damage to or loss of personal property except for medical or dental appliances or prosthesis.

Provision is made for the payment of an emergency award in exceptional cases, and for supplementary awards when justified.

## II. APPLICATIONS

Applications, informative literature, and other Minnesota Crime Victims Reparations Board forms are available to interested persons at the office of the Minnesota Crime Victims Reparations Board. Further, they may be obtained at most law enforcement agencies, hospitals and social service agencies.

Law enforcement agencies have a mandatory duty to inform all victims who may be eligible of the benefits of the Minnesota Crime Victims Reparations Law.

Applications are received by the Executive Director, along with all documents, bills, and other evidence submitted to prove the claim. The claim and

proofs are investigated and verified by the Executive Director who then makes a recommendation to the Board member to whom the claim has been assigned. The Board members may accept, reject or modify the recommendation.

If accepted, the recommendation, Findings of Fact, and Order for payment are forwarded to the Department of Public Safety for payment.

If rejected, the claimant is notified in writing of the reasons for the rejection and of his appeal rights.

If modified, the Findings of Fact, Recommendation and Order for payment, as modified, are forwarded to the Department of Public Safety for payment, the claimant is notified of the reasons for the modification and his right to appeal the modification.

Appeals are handled in accordance with the Administrative Appeal Procedure in Minn. Stat. c. 15.

### III. BOARD/STAFF

The Minnesota Crime Victims Reparations Board is comprised of three members serving four year staggered terms. They are appointed by the governor and confirmed by the Senate. The original Board members remain as current members, they are: 1) Joe Thompson, Chairman, Attorney, Willmar, Minnesota, appointment expires: January, 1981; 2) Dr. William Kosiak, M.D., Minneapolis, Minnesota, appointment expires: January 1980; and 3) Rod Boyd, Sheriff, Dakota County, Hastings, Minnesota, appointment expires: January, 1979.

Of the three Board members, one must be admitted to the Bar, and one must be a medical or osteopathic physician licensed to practice in the State of Minnesota.

The Board serves part-time, meeting approximately once per month to review claims. They receive \$35.00 per diem plus actual expenses.

The Board has the duty to provide for appeal hearings pursuant to Minn. Stat. c. 15, to establish and maintain an office and appoint employees and fix their duties, to promulgate rules and regulations, to publicize the availability of crime victims reparations benefits, and to report annually to the governor and legislature.

The staff is comprised of one Executive Director and one secretary. The Executive Director is in the unclassified civil service and the secretary is in the classified civil service.

The Executive Director has the day-to-day responsibility of Minnesota Crime Victims Reparations Board operations including management of the office, receipt and investigation of claims, verification of claims, lecturing and training of law enforcement regarding the Crime Victims Reparations Law and their obligations under it, drafting Recommendations, Findings of Fact, and Orders for payment, as well as pre-hearing preparation and attendance at appeal hearings.

The secretary acts as managing secretary of the office, as receptionist, secretary at Board meetings, as well as fulfilling record keeping, statistical, and typing duties.

### IV. BUDGET

The enabling legislation of 1974 appropriated \$100,000 for the creation and operation of the Minnesota Crime Victims Reparations Board. In 1975 this was increased to \$200,000. In 1976 to \$300,000. In 1977 to \$375,000.

Each year the entire budget has been depleted with encumbrances made upon the following years budget. The Minnesota Crime Victims Reparations Board has consistently operated at a total administrative cost of slightly over 10 percent. In other words, almost 90 percent of the total budget is spent to service the intent of the law in aid of innocent victims.

#### V. PUBLIC AWARENESS

The Minnesota Crime Victims Reparations Law did not become effective until July 1, 1974, and since November 1, 1974, when the Executive Director was employed, a large effort has been expended by the Executive Director to acquaint Minnesota citizens that such a law was available to citizens of our state. In this regard, the general mass media, radio, television, newspapers, speeches, etc., have been most helpful. In spite of our great public relations efforts, it is quite apparent to us that there are many victims of crime in this state who are still not aware of our law. M.S. § 299B.15 provides:

"All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to Sections 299B.01 to 299B.16, and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the Board and maintain a supply of all forms necessary for the preparation and presentation of claims."

Originally it was felt that the most effective way to reach the victims of crime is through the law enforcement agencies. In this regard, thousands of brochures have been distributed to law enforcement personnel throughout the state. In addition, the Executive Director has spoken before many of the law enforcement agencies and their personnel so that they would be informed of their obligations under the law. At the present time, 15,000 plastic cards for law enforcement officers to carry in their wallets have been printed summarizing the law so that they will have available on their person the information necessary to give to the victims of violent crimes while receiving the report of the incident. It is the law enforcement officer who is the one who usually comes in contact with the victim of a violent crime. If he is knowledgeable about the law, and informs the victims of their rights, no amount of other mass media material can substitute for this personal contact. Also, it demonstrates to the victim that the state is concerned about him or her. Also, other agencies that may come in contact with victims of crime such as hospitals, mortuaries, courts, county social service agencies, and other institutions, have been provided with quantities of informational brochures in order that they may be given to victims of violent crimes.

In December of 1977 the Minnesota Crime Victims Reparations Board entered into a contract with the Department of Administration, Management Services Division, to conduct a study to determine the effectiveness of the Minnesota Crime Victims Reparations Board publicity efforts and to recommend improvements in such efforts.

The concern of the Minnesota Crime Victims Reparations Board arose when Bureau of Criminal Apprehension statistics showed in excess of 15,000 assault cases reported to law enforcement during the 1976 fiscal year compared to 285 claims submitted to the Minnesota Crime Victims Reparations Board arising out of assault cases, or less than 2 percent.

The study conducted by the Department of Administration included contacts with several law enforcement agencies throughout the state, both county and municipal. It included personal contact with line officers, staff officers, and office personnel.



The study results were as expected. In all cases of rape, arson, and assault, less than 2 percent of those reporting crimes to law enforcement were making claims with the Minnesota Crime Victims Reparations Board. The only exception being homicide cases where 65 percent were making claims.

There appears to be several reasons why such a low rate of victims are applying for benefits; however, a system was discovered in one municipality that appears uniquely designed to overcome the problem and provides a model system for other law enforcement agencies to follow. Basically that one person or one department that already reviews all reported crimes, single out those that may involve personal injury or may be entitled to benefits under the Minnesota Crime Victims Reparations Law, and to notify the victim by mail with appropriate Minnesota Crime Victims Reparations Board literature. The ultimate responsibility for actual filing is, thus, placed on the fully informed victim. It is anticipated that full implementation of such a system with the cooperation of local law enforcement agencies will result in greatly improved public information efforts consistent with the duty of the Minnesota Crime Victims Reparations Board, to publicize (Minn. Stat. 299B.06, Sub. 1, (d)) and with the mandatory duty of law enforcement agencies to inform victims (Minn. Stat. 299B.15).

## VI. PROJECTION

The Minnesota Crime Victims Reparations Law provides a growth situation for several years to come. Even if crime decreases, the amount of persons eligible to apply who do not is low enough so that as the public becomes aware of this law, the amount of claims presented and dollars awarded will increase.

Using the Department of Administration survey statistics, that only 2 percent of potentially eligible victims apply (save for homicide wherein 65 percent apply but where 100 percent would be expected) the potential for growth is enormous.

This report shows an increase over the preceding year in claims filed of almost 20 percent, while denials of claims remains a constant 40 percent of claims filed. Not only may the number of claims increase due to public awareness, but the amount of reparations paid must increase since most payments made are for medical costs and wage losses which are both increasing on account of inflation and cost of living increases.

There has been no assistance forthcoming from the federal government. However, it is known that the Congress has before it bills providing for cost-sharing with states that have qualifying plans.

## VII. POLICY, INTENT, AND PHILOSOPHY

The reason for compensating innocent victims of violent crimes is humanitarian, and part the fulfillment of an arguable duty of the state. Early history of government indicates that one of the primary functions in our society is the protection of citizens from injury or death. When that protection to be afforded the citizen breaks down and the state takes over the function of punishing the offender, the citizen has generally no other source to look to for help than the government whose duty it was to provide him protection.

The Minnesota Crime Victims Reparations Law provides the means where the injured victim can present his claims in non-courtroom forum. The victim, without the benefits of this statute, is left with nothing except his

bills, the worry of his family, as well as the disruption of his household. As practical matter, now a victim in the State of Minnesota knows that his government is concerned with a victim and not just concerned with the offender. There has been some experience to indicate that victims of crime who formerly might be unwilling and uncooperative with law enforcement agencies to arrest the perpetrators now become willing and cooperative witnesses to the conclusion of a case. Since it costs approximately the sum of \$50,000,000 per year to operate the Department of Corrections, the sum of \$375,000 per year to compensate victims of violent crime in this state certainly seems miniscule by comparison, but it is a beginning.

The Board has continued to treat each claimant not as an adversary, but as people in need of assistance. We are dedicated to the principle of providing more than just a token of assistance to the innocent victims of crime. We are proud to be an arm of our state government extending a helping hand to the long neglected innocent victims of crime.

The Board gratefully acknowledges the excellent cooperation extended to it by Commissioner Edward Novak, Department of Public Safety, and his entire staff who so efficiently and effectively assisted our agency in its infancy. The Board further gratefully acknowledges the excellent cooperation that has been extended to it by the law enforcement agencies throughout the state. John Sands of the Attorney General's Office and the mass media in helping us to acquaint the public with this new law.

To give the reader an idea of the work of the Board, we have included representative sample of case histories involving some of the claims we have decided. We have omitted the name of the victims included in this report but we have indicated the reasons for denial of their claims or awards made to them.

In the register of cases handled from July 1, 1977, through June 30, 1978 the names of the victims appear with the exception of rape victims who are referred to as "rape claimants", for we do not want to cause these claimants further embarrassment or bad publicity. The names of these claimants, however, are available to the Governor and the Legislature at their request required by M.S. 299B.06 (e).

Respectfully submitted,  
July 1, 1978

JOE E. THOMPSON, Chairman  
WILLIAM KOSIAK, M.D., Board Member  
ROD BOYD, Board Member  
DUANE E. WOODWORTH, Executive Director



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
CRIME VICTIMS COMPENSATION BOARD  
875 CENTRAL AVENUE  
ALBANY, NEW YORK 12208  
(518) 457-4080

BOARD MEMBERS

RONALD A. ZWEIBEL  
Chairman  
STEPHEN S. GUTTLER  
GEORGE L. GROBE, JR.  
DIANE INGRAHAM  
ANGELO P. IEROMOLIS  
NORMA M. KEANE  
Executive Secretary

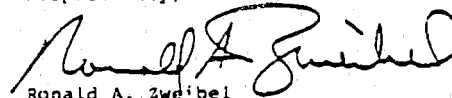
To the HONORABLE HUGH L. CAREY  
Governor

and

To the HONORABLE LEGISLATURE OF THE  
STATE OF NEW YORK

I have the honor to submit the Eleventh Annual  
Report of the Crime Victims Compensation Board for  
the year 1977 rendered pursuant to the provisions of  
Article 12, Section 623 of the Executive Law.

Respectfully,

  
Ronald A. Zweibel  
Chairman

Albany, New York  
July 1st, 1978

## HISTORY

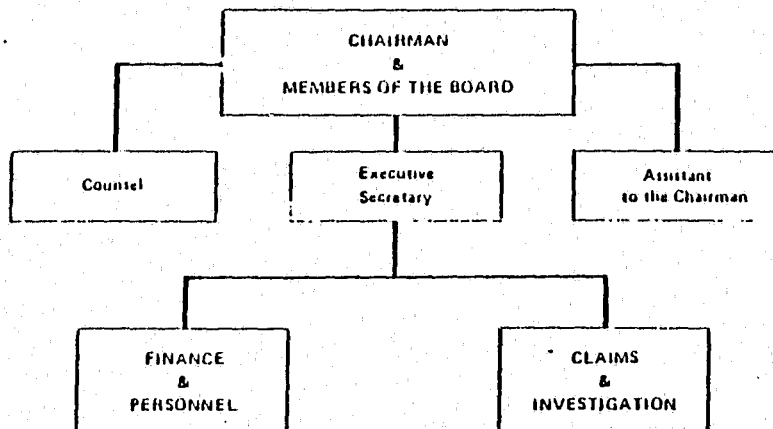
The Crime Victims Compensation Board (CVCB) was established on August 1st, 1966. The acute proliferation of violent crimes within the State made the need for victim compensation apparent. The Crime Victims Compensation Board was created under Article 22 of the Executive Law. The Board is part of the State Executive Department, and Board Members are appointed by the Governor with the consent of the Senate for seven-year terms.

Offices are located in New York City (2), Albany (Main Office), Buffalo and Syracuse. The Board consists of five members, including a Chairman. In addition, the Board employs an Executive Secretary, Counsel, Assistant to the Chairman, office staff and seventeen full time Investigators.

The Crime Victims Compensation Board is not a general agency for victims compensation. The legislation which created the Board specifically limits the scope of Board inquiries to innocent victims of "Violent Crimes" who are "Injured", "Disabled" or "Killed" as a result of "Criminal Acts". Awards made by the Board are intended to reimburse the claimant for out of pocket unreimbursed medical expenses and or earnings, and in the event of death to reimburse the eligible claimant for his out of pocket unreimbursed Funeral expenses and/or loss of support.

Awards are limited to victims and their dependents who suffer serious financial hardship as a result of injury. Criteria for what constitutes serious financial hardship is decided on a case-by-case basis. Upon determining eligibility, the Board is authorized to make awards up to a maximum amount of \$20,000 per claimant for loss of earnings or support and unlimited amounts for medical expenses. Additionally any award made for funeral expenses is limited to \$1,500. Board Members try to be liberal in their discretion so that all possible eligible victims can receive aid. However, the Board is not mandated to make awards which bring victims back to their former standards of living; although the original intent of the Legislature clearly hoped that this could be achieved.

Executive Department  
CRIME VICTIMS  
COMPENSATION BOARD  
September 1, 1977



## 1977-78 A Review of Our Eleventh Year of Operation

The overall budget allocations including awards is modest by New York State standards.

### C.V.C.B. EXPENDITURES

(Includes Prior-year's Carry-over)

| Payment Fiscal Year | Payment to Victims | Administration Non-Personal Service | Administration Personal Service | Total     |
|---------------------|--------------------|-------------------------------------|---------------------------------|-----------|
| 1966/67             | \$ 1,500           | \$ 24,512                           | \$ 8,900                        | \$ 35,012 |
| 1967/68             | 55,665             | 39,588                              | 159,905                         | 255,158   |
| 1968/69             | 386,585            | 39,039                              | 197,644                         | 623,268   |
| 1969/70             | 678,220            | 44,066                              | 225,058                         | 947,344   |
| 1970/71             | 1,243,174          | 56,253                              | 278,350                         | 1,577,777 |
| 1971/72             | 1,407,277          | 44,857                              | 320,215                         | 1,772,349 |
| 1972/73             | 1,848,500          | 54,196                              | 343,055                         | 2,245,751 |
| 1973/74             | 1,835,000          | 68,155                              | 459,386                         | 2,362,541 |
| 1974/75             | 2,871,337          | 66,670                              | 506,852                         | 3,444,859 |
| 1975/76             | 2,979,225          | 67,251                              | 486,088                         | 3,532,564 |
| 1976/77             | 3,228,667          | 76,503                              | 518,879                         | 3,824,049 |
| 1977/78             | 4,313,078          | 124,766                             | 614,551                         | 5,052,395 |

The number of decisions increased by 921 or 25% over the previous fiscal year.

### DECISIONS

April 1, 1977 - March 31, 1978

|              |             |
|--------------|-------------|
| New York     | 3508        |
| Albany       | 346         |
| Buffalo      | 329         |
| Syracuse     | 356         |
| <b>TOTAL</b> | <b>4539</b> |

### AMENDED DECISIONS

|              |            |
|--------------|------------|
| Awards       | 274        |
| No Awards    | 101        |
| <b>TOTAL</b> | <b>375</b> |

### DECISIONS

|              |             |
|--------------|-------------|
| Allowed      | 1476        |
| Disallowed   | 3063        |
| <b>TOTAL</b> | <b>4539</b> |

As in previous years the failure to supply information or cooperate with the Board was the most frequent reason for no award being granted.

### REASONS FOR NO-AWARD DECISIONS

April 1, 1977 - March 31, 1978

| Month   | Withdrawn | Member of Family | No Minimum Eligibility | No Serious Financial Hardship | No Information Supplied | Work. Comp. Pending | No Crime |
|---------|-----------|------------------|------------------------|-------------------------------|-------------------------|---------------------|----------|
| April   | 14        | 3                | 20                     | 7                             | 84                      | 12                  | 2        |
| May     | 11        | 0                | 23                     | 2                             | 79                      | 17                  | 4        |
| June    | 8         | 2                | 24                     | 5                             | 112                     | 17                  | 4        |
| July    | 12        | 3                | 22                     | 4                             | 109                     | 5                   | 3        |
| Aug.    | 14        | 4                | 19                     | 8                             | 187                     | 14                  | 1        |
| Sept.   | 10        | 4                | 15                     | 9                             | 148                     | 14                  | 1        |
| Oct.    | 7         | 0                | 6                      | 8                             | 122                     | 6                   | 3        |
| Nov.    | 5         | 3                | 16                     | 4                             | 139                     | 8                   | 3        |
| Dec.    | 2         | 3                | 7                      | 11                            | 93                      | 22                  | 3        |
| Jan.    | 11        | 10               | 27                     | 6                             | 216                     | 10                  | 1        |
| Feb.    | 7         | 3                | 1                      | 6                             | 133                     | 5                   | 1        |
| March   | 6         | 9                | 9                      | 12                            | 158                     | 22                  | 8        |
| Totals: | 107       | 44               | 189                    | 82                            | 1580                    | 152                 | 34       |

### REASONS FOR NO-AWARD DECISIONS

| Month   | No Coop. Pol./Bd. | Unable to loc. | Not Inn. Vic. | Hit and Run | Incl. Clmt. | No phy. inj. | Miscellaneous |
|---------|-------------------|----------------|---------------|-------------|-------------|--------------|---------------|
| April   | 6                 | 8              | 7             | 0           | 9           | 1            | 22            |
| May     | 3                 | 5              | 10            | 1           | 9           | 2            | 28            |
| June    | 6                 | 13             | 4             | 0           | 3           | 0            | 41            |
| July    | 4                 | 9              | 3             | 0           | 5           | 1            | 23            |
| Aug.    | 7                 | 8              | 7             | 0           | 5           | 0            | 60            |
| Sept.   | 4                 | 5              | 9             | 1           | 5           | 0            | 33            |
| Oct.    | 5                 | 7              | 2             | 1           | 8           | 1            | 44            |
| Nov.    | 4                 | 4              | 16            | 1           | 5           | 0            | 36            |
| Dec.    | 8                 | 3              | 7             | 0           | 3           | 1            | 62            |
| Jan.    | 10                | 2              | 5             | 1           | 12          | 1            | 63            |
| Feb.    | 6                 | 4              | 2             | 3           | 3           | 0            | 55            |
| March   | 14                | 6              | 13            | 7           | 2           | 7            | 74            |
| Totals: | 77                | 74             | 85            | 15          | 69          | 14           | 541           |

## NO-AWARD DECISIONS BREAKDOWN OF MISCELLANEOUS

|                              |     |                                |            |
|------------------------------|-----|--------------------------------|------------|
| No loss earnings             | 145 | Pending Civil Suit             | 1          |
| No police report             | 21  | Pending Auto Insurance         | 1          |
| Duplicate                    | 14  | Awaiting medical summary       | 1          |
| Superseded by death claim    | 4   | Awaiting tax return            | 1          |
| Accident                     | 5   | No crime related injuries      | 1          |
| Over one year                | 3   | Pending Social Security        | 2          |
| No loss of support           | 9   | No expenses                    | 24         |
| Addressee unknown            | 2   | Pending Disability             | 1          |
| Claimant died                | 12  | Provocation                    | 22         |
| Awaiting Medicaid Info       | 24  | No compensatory loss           | 180        |
| Pending VA decision          | 1   | Pending DA investigation       | 6          |
| Auto accident                | 4   | Late police repprt             | 4          |
| Claimant left state          | 1   | No proof of crime              | 1          |
| Pending decision of NJ Board | 1   | Victim died                    | 2          |
| Awaiting financial affidavit | 1   | Pending Blue Cross/Blue Shield | 1          |
| No medical expense           | 32  | No crime                       | 2          |
| No cooperation with Board    | 4   | Personal property              | 1          |
| Over reimbursed              | 2   | Pending information            | 1          |
| Died - natural causes        | 2   | Pending trial                  | 1          |
| Over two years               | 1   | <b>TOTALS:</b>                 | <b>541</b> |

Although the Board has been in existence for eleven years, it acknowledges that only in recent years has publicity made most violent crime victims aware of the State program.

Within the last year, the Board has continued to reach out to the estimated 150,000 victims of violent crimes reported in New York State. It is estimated that over 20,000 crime victims yearly have crime related medical bills or lost earnings or support which may be eligible for compensation under the State program.

### Mandatory Information to Crime Victims

Police officers throughout New York State are now required to inform all victims of violent crime of the existence of the Board. The Board is working closely with law enforcement agencies to secure full compliance with this law.

Basic information is contained on a single plastic card, which is printed in both English and Spanish for law enforcement officers to carry on their person, summarizing the law so that they will have im-

mediately available the information necessary to give to the victims of violent crimes while receiving the report of the incident. It is hoped that informing crime victims of their rights will become as common practice with police officers as the reading of the "Miranda Warning" has become for criminal suspects. Although these cards do not take the place of the brochure, they are more convenient to handle. Obviously, the brochure should be distributed when possible.

#### MANDATORY INFORMATION FOR INNOCENT VICTIMS OF CRIME

1. Injured innocent victims of crime or their dependents may recover cost of medical treatment and reimbursement for loss of wages.
2. If death results from a criminal act, the victim's funeral expenses may be paid by the State.

Every Police Station, precinct House or other appropriate Law Enforcement location in New York State where a crime may be reported has information, brochures and application forms.

Ronald A. Zwobel  
Chairman

#### INFORMACION MANDATORIA PARA VICTIMAS INOCENTE DEL CRIMEN

1. Victimias inocentes que son heridas en un crimen pueden recibir del Estado gastos de tratamientos de medicos y perdidas de sueldos.
2. Si un acto criminal resulta en la muerte de alguna persona los gastos funerals pueden ser pagados por el Estado.

Cada Estacion de Policia, Precinto, o Cuartel otra apropiada fuertamento de ley situada en el Estado de Nueva York donde un crimen puede ser reportado tiene panfletos de informacion y formularios para aplicar.

Ronald A. Zwobel  
Presidente

### The Claims Process

For eligibility, a claim must be filed with the Office of the Crime Victims Compensation Board, by the victim, surviving spouse, dependent, legal guardian or attorney. The claim must be filed in person or by mail not later than one year after the occurrence of the crime. Effective January 1st, 1977, the period for filing was extended from ninety (90) days to one year after the incident. This period may be extended to two years if the Board finds that good cause is shown.

Investigators are required to contact claimants within fifteen (15) days of receiving an application for compensation. At this point, the investigator arranges for an appointment with the claimant to discuss the case. The investigator studies the financial status of the claimant, helps the claimant assemble all pertinent documentation, and delivers the case to a designated Board Member who renders a decision and possibly makes an award.

### Emergency Awards

Provisions have been made for awarding up to \$500.00 under emergency conditions. Ninety-one (91) such awards were made within this fiscal year. Considering the original intent of providing timely assistance to innocent victims of violent crimes, the Board is disappointed at the low incidence of emergency payments. The Board recognizing the low

number of requests for emergency awards has instructed its new examination unit which deals with the claimant at the time of filing, to inquire as to the need for emergency assistance.

### Board Review of Decisions

Claimants dissatisfied with the decision of a Board Member may make application in writing to the Chairman of the Board for an administrative review of the decision. The Chairman designates three Members of the Board, not including the Board Member who made the original decision, to review the decision. An informal hearing is scheduled at which the claimant may present any evidence or argument relevant to the claim. The decision of the Board review panel in affirming or modifying the original decision becomes the final decision of the Board.

### Review by Attorney General, Comptroller, Claimant

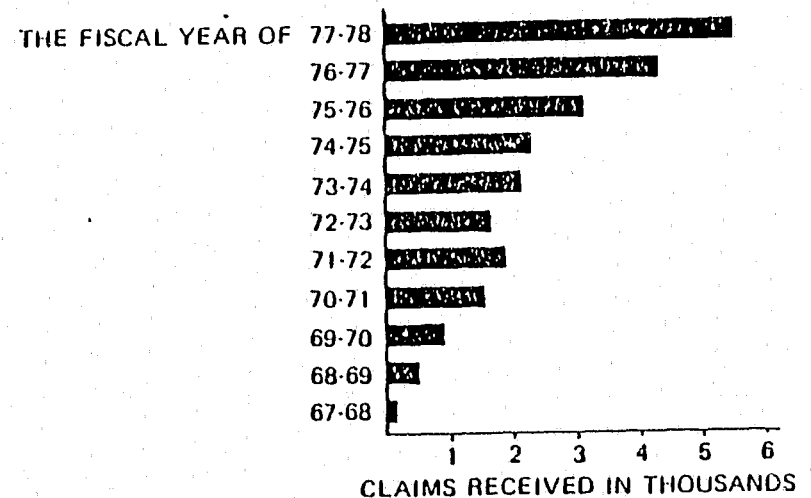
After receiving the final decision of the Board, the Attorney General or the Comptroller may within 30 days, if in his judgement the award is illegal or excessive, seek court review of the Board's decision. Also, a claimant aggrieved by a final decision of the Board may commence a proceeding to review the decision pursuant to Article 78 of the Civil Practice Law and Rules.

### Claims Analysis

As it has been stated, the Board is limited to servicing innocent victims of violent crime. Violent crimes or crimes against the person (murder, rape, robbery and assault) accounted for less than 14% of the total offenses reported statewide. Under 3% of all crimes or about 15% of violent crimes involve medical treatment and other financial losses to the victim potentially covered by the State crime victim compensation program. While seemingly small in percentage terms, the crime victims eligible for compensation under the state program represent the thousands of victims most critically in need of financial assistance for crime related injuries and losses. (Most financial losses of crime victims involve property losses not covered under the present program.)

The number of claims received during the 1977-78 fiscal year rose sharply from the previous fiscal year, an increase of 29% over last year. This continues the progression of previous years.

The number of applications received last year increased dramatically over the number received in the prior years:



This increase was due in part to the fact that all law enforcement agencies in New York State, where a crime may be reported, have on hand claim forms and information brochures relating to the availability of compensation from this Board to every victim of a violent crime. Inasmuch as there has been and continues to be an increase in public awareness of the Board, we anticipate similar substantial increases in the next fiscal year.

| Fiscal Year | Claims Received |
|-------------|-----------------|
| 1967-68     | 196             |
| 1968-69     | 519             |
| 1969-70     | 929             |
| 1970-71     | 1594            |
| 1971-72     | 1896            |
| 1972-73     | 1762            |
| 1973-74     | 2065            |
| 1974-75     | 2341            |
| 1975-76     | 3119            |
| 1976-77     | 4250            |
| 1977-78     | 5489            |

Responding to our plight, the Legislature with the support of the Governor has provided us with additional investigative staff.

### INCREASES IN INVESTIGATIVE STAFF

| Fiscal Year | Supervising Investigator | Senior Investigator | Investigator | Total |
|-------------|--------------------------|---------------------|--------------|-------|
| 1967-68     | —                        | 3                   | 2            | 5     |
| 1968-69     | —                        | 3                   | 2            | 5     |
| 1969-70     | —                        | 3                   | 5            | 8     |
| 1970-71     | —                        | 3                   | 8            | 11    |
| 1971-72     | 1                        | 2                   | 8            | 11    |
| 1972-73     | 1                        | 2                   | 9            | 12    |
| 1973-74     | 1                        | 2                   | 9            | 12    |
| 1974-75     | 1                        | 2                   | 11           | 14    |
| 1975-76     | 1                        | 2                   | 11           | 14    |
| 1976-77     | 1                        | 2                   | 11           | 14    |
| 1977-78     | 1                        | 3                   | 13           | 17    |

Also, an added clerical staff has been trained to form a claims Examiners Unit to obtain necessary documentation for the initial assessment of the validity of claims and eligibility of claimants for compensation as victims of criminal acts. This staff will also prepare initial determinations for Emergency Awards.

### YEARLY WORKLOAD SUMMARY

Agency: *Crime Victims Compensation Board*  
Report For Fiscal Year 1977-78

|  |              |
|--|--------------|
| March 31, 1977 Open Claims . . . . .                     | 2,326        |
| Claims Received April 1, 1977 — March 31, 1978 . . . . . | 5,489        |
|  | <u>7,815</u> |
| Less Claims Rejected . . . . .                           | 575          |
|  | <u>7,240</u> |
| Total Decisions . . . . .                                | 4,539        |
| March 31, 1978 Open Claims . . . . .                     | 2,701        |

Awards 1,476

No Awards 3,063

In addition to Original Decisions

Amended Decisions 375 (274 Awards, 101 No Awards)

Review Decisions 113 (14 Reversed to Awards)

### WORKLOAD SUMMARIES

| Fiscal Year | Claims Received | Disallowed or Decisions Rendered | Outstanding Claims | Awards |
|-------------|-----------------|----------------------------------|--------------------|--------|
| 1967-68     | 196             | 99                               | 97                 | 43     |
| 1968-69     | 519             | 422                              | 194                | 220    |
| 1969-70     | 929             | 845                              | 278                | 372*   |
| 1970-71     | 1594            | 1101                             | 771                | 512*   |
| 1971-72     | 1896            | 1482                             | 1185               | 618*   |
| 1972-73     | 1762            | 1957                             | 990                | 824*   |
| 1973-74     | 2065            | 1887                             | 1168               | 891    |
| 1974-75     | 2341            | 2399                             | 1110               | 1074*  |
| 1975-76     | 3119            | 2535                             | 1694               | 1097*  |
| 1976-77     | 4250            | 3618                             | 2326               | 1510*  |
| 1977-78     | 5489            | 5114                             | 2701               | 1764*  |

\*These figures include Amended Decisions



The statewide distribution of claims made on the Crime Victims Compensation Board continues to show a preponderance of claims made from the New York City area.

**STATISTICS**  
April 1, 1977 - March 31, 1978

**BREAKDOWN OF CLAIMS ACCEPTED**

| Month          | New York    | Albany     | Buffalo    | Syracuse   | Total       |
|----------------|-------------|------------|------------|------------|-------------|
| April          | 269         | 23         | 26         | 24         | 342         |
| May            | 308         | 28         | 31         | 13         | 380         |
| June           | 336         | 23         | 18         | 28         | 405         |
| July           | 270         | 26         | 25         | 30         | 351         |
| August         | 388         | 37         | 17         | 44         | 486         |
| September      | 340         | 27         | 30         | 23         | 420         |
| October        | 377         | 25         | 34         | 39         | 475         |
| November       | 363         | 25         | 33         | 38         | 459         |
| December       | 296         | 30         | 40         | 32         | 398         |
| January        | 368         | 20         | 34         | 22         | 444         |
| February       | 271         | 20         | 29         | 23         | 343         |
| March          | 323         | 25         | 30         | 33         | 411         |
| <b>TOTALS:</b> | <b>3909</b> | <b>309</b> | <b>347</b> | <b>349</b> | <b>4914</b> |

**GEOGRAPHICAL DISTRIBUTION OF VIOLENT CRIMES COMPARED TO CLAIMS FILED**

While the number of claims has increased it would appear that there are significant differences in the proportion of violent crime victims filing claims for compensation in various counties of New York State. The Board believes that complete compliance by law enforcement agencies with the mandatory notification law to crime victims will both increase overall participation and generally equalize the participation rates by county.

**GEOGRAPHICAL DISTRIBUTION OF VIOLENT CRIMES AND CRIME VICTIM CLAIMS**

| County      | Violent crimes Reported - 1976  | Claims Received 1976/77 | Claims Received 1977/78 |
|-------------|---------------------------------|-------------------------|-------------------------|
| Albany      | 709 (City of Albany-410)        | 48                      | 55                      |
| Allegany    | 46                              | 1                       | 1                       |
| Broome      | 215                             | 8                       | 11                      |
| Cattaraugus | 105                             | 3                       | 7                       |
| Cayuga      | 89                              | 2                       | 3                       |
| Chautauqua  | 167                             | 17                      | 17                      |
| Chemung     | 141                             | 1                       | 7                       |
| Chenango    | 62                              | 1                       | 0                       |
| Clinton     | 100                             | 1                       | 3                       |
| Columbia    | 67                              | 5                       | 4                       |
| Cortland    | 37                              | 1                       | 5                       |
| Delaware    | 45                              | 1                       | 3                       |
| Dutchess    | 583 (City of Poughkeepsie-273)  | 11                      | 28                      |
| Erie        | 3,946 (City of Buffalo-3,091)   | 206                     | 258                     |
| Essex       | 44                              | 3                       | 0                       |
| Franklin    | 88                              | 5                       | 2                       |
| Fulton      | 69                              | 2                       | 1                       |
| Genesee     | 135                             | 4                       | 10                      |
| Greene      | 87                              | 1                       | 4                       |
| Hamilton    | 6                               | 0                       | 1                       |
| Herkimer    | 78                              | 1                       | 3                       |
| Jefferson   | 96                              | 2                       | 9                       |
| Lewis       | 12                              | 6                       | 0                       |
| Livingston  | 120                             | 1                       | 0                       |
| Madison     | 70                              | 0                       | 4                       |
| Monroe      | 2,049 (City of Rochester-1,660) | 50                      | 123                     |
| Montgomery  | 90                              | 5                       | 3                       |
| Nassau      | 1,763                           | 125                     | 126                     |
| New York    |                                 | 1,186                   | 1,288                   |
| Bronx       |                                 | 465                     | 567                     |
| Kings       | 134,153                         | 1,072                   | 1,156                   |
| Queens      |                                 | 512                     | 552                     |

### BREAKDOWN ON TYPES OF CRIME

| Month          | Assault     | Stab       | Shot       | Murder     | Rape       | Auto      | Misc.      |
|----------------|-------------|------------|------------|------------|------------|-----------|------------|
| April          | 153         | 47         | 43         | 64         | 13         | 1         | 21         |
| May            | 169         | 64         | 49         | 61         | 7          | 1         | 29         |
| June           | 200         | 61         | 51         | 51         | 8          | 0         | 34         |
| July           | 168         | 39         | 56         | 45         | 3          | 1         | 39         |
| August         | 212         | 77         | 68         | 81         | 11         | 3         | 34         |
| September      | 175         | 64         | 51         | 72         | 16         | 3         | 39         |
| October        | 220         | 53         | 66         | 86         | 14         | 1         | 35         |
| November       | 225         | 68         | 56         | 64         | 13         | 0         | 33         |
| December       | 225         | 43         | 40         | 44         | 21         | 0         | 25         |
| January        | 227         | 31         | 55         | 88         | 17         | 4         | 22         |
| February       | 168         | 39         | 50         | 50         | 15         | 2         | 19         |
| March          | 212         | 50         | 50         | 57         | 11         | 8         | 23         |
| <b>TOTALS:</b> | <b>2354</b> | <b>636</b> | <b>635</b> | <b>763</b> | <b>149</b> | <b>24</b> | <b>353</b> |

### AGE AND SEX STATISTICS OF CLAIMS ACCEPTED 1977-1978

| Month           | No of Claims | Sex         |             | Age         |              |              |              | Un-known    |
|-----------------|--------------|-------------|-------------|-------------|--------------|--------------|--------------|-------------|
|                 |              | Male        | Female      | 0-18        | 19-30        | 31-59        | 60 & Over    |             |
| April           | 342          | 242         | 100         | 26          | 113          | 133          | 53           | 17          |
| May             | 380          | 283         | 97          | 29          | 126          | 147          | 59           | 19          |
| June            | 405          | 310         | 95          | 31          | 134          | 157          | 63           | 20          |
| July            | 351          | 259         | 92          | 27          | 116          | 136          | 54           | 18          |
| Aug.            | 486          | 361         | 125         | 37          | 161          | 188          | 75           | 25          |
| Sept.           | 420          | 324         | 96          | 29          | 158          | 166          | 55           | 12          |
| Oct.            | 475          | 340         | 135         | 36          | 172          | 178          | 69           | 20          |
| Nov.            | 459          | 324         | 135         | 26          | 148          | 188          | 76           | 21          |
| Dec.            | 398          | 257         | 141         | 30          | 130          | 137          | 72           | 29          |
| Jan.            | 444          | 295         | 149         | 34          | 131          | 182          | 69           | 28          |
| Feb.            | 343          | 228         | 115         | 25          | 123          | 136          | 43           | 16          |
| March           | 411          | 267         | 144         | 43          | 116          | 154          | 73           | 25          |
| Sept.-<br>March |              |             |             |             |              |              |              |             |
| <b>Total</b>    | <b>2950</b>  | <b>2035</b> | <b>915</b>  | <b>223</b>  | <b>978</b>   | <b>1141</b>  | <b>457</b>   | <b>151</b>  |
| <b>Year</b>     |              |             |             |             |              |              |              |             |
| <b>Total</b>    | <b>4914</b>  | <b>3490</b> | <b>1424</b> | <b>373</b>  | <b>1628</b>  | <b>1902</b>  | <b>761</b>   | <b>250</b>  |
| <b>%</b>        |              | <b>71%</b>  | <b>29%</b>  | <b>7.6%</b> | <b>33.1%</b> | <b>38.7%</b> | <b>15.5%</b> | <b>5.1%</b> |

NOTE: We did not begin to keep age statistics on claims accepted until September 1st, 1977. However, by using the statistics available from September through March, we have approximated the age breakdown for April through August, 1977.

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### AGE AND SEX STATISTICS OF DECISIONS 1977-1978

| Month   | No. of Decisions | Sex  |        | Age  |       |       | 60 & Over | Un-known |
|---------|------------------|------|--------|------|-------|-------|-----------|----------|
|         |                  | Male | Female | 0-18 | 19-30 | 31-59 |           |          |
| April   | 278              | 202  | 76     | 17   | 101   | 111   | 40        | 9        |
| May     | 297              | 206  | 91     | 24   | 96    | 114   | 53        | 10       |
| June    | 343              | 237  | 106    | 26   | 109   | 128   | 69        | 11       |
| July    | 294              | 215  | 79     | 23   | 83    | 119   | 59        | 10       |
| Aug.    | 478              | 332  | 146    | 46   | 163   | 175   | 79        | 15       |
| Sept.   | 395              | 282  | 113    | 37   | 141   | 144   | 66        | 7        |
| Oct.    | 336              | 257  | 79     | 23   | 116   | 140   | 51        | 6        |
| Nov.    | 398              | 281  | 117    | 27   | 151   | 148   | 64        | 8        |
| Dec.    | 335              | 249  | 86     | 26   | 103   | 143   | 54        | 9        |
| Jan.    | 504              | 350  | 154    | 29   | 168   | 187   | 94        | 26       |
| Feb.    | 346              | 258  | 88     | 45   | 108   | 110   | 56        | 19       |
| March   | 635              | 386  | 149    | 52   | 194   | 195   | 79        | 15       |
| Totals: | 4539             | 3255 | 1284   | 375  | 1533  | 1722  | 764       | 145      |

### BREAKDOWN OF EXPENDITURES - 1977-78

| Month  | Decision Payments | Loss of Earnings    |                    |              | Emergency Awards | Monthly Total | Cumulative Total |
|--------|-------------------|---------------------|--------------------|--------------|------------------|---------------|------------------|
|        |                   | Protracted Payments | Additional Medical | Medical      |                  |               |                  |
| April  | \$ 314,345.18     | \$ 85,652.37        | \$ 64,453.49       | \$ 1,000.00  | \$ 465,451.04    | \$ 465,451.04 |                  |
| May    | 92,310.95         | 88,371.81           | 85,119.76          | 1,950.00     | 267,752.52       | 733,203.56    |                  |
| June   | 166,494.77        | 83,271.73           | 25,276.12          | 1,217.85     | 276,260.47       | 1,009,464.03  |                  |
| July   | 635,757.70        | 97,858.02           | 36,191.44          | 1,450.00     | 771,557.16       | 1,781,021.19  |                  |
| Aug.   | 71,977.51         | 86,395.06           | 29,167.84          | 550.00       | 188,090.41       | 1,969,111.60  |                  |
| Sept.  | 92,453.41         | 82,734.40           | 35,552.53          | 3,820.60     | 214,660.94       | 2,183,772.54  |                  |
| Oct.   | 216,854.69        | 87,559.86           | 32,058.82          | 4,703.00     | 341,176.37       | 2,524,948.91  |                  |
| Nov.   | 341,667.28        | 89,513.13           | 37,694.08          | 7,000.00     | 481,324.49       | 3,006,273.40  |                  |
| Dec.   | 148,444.28        | 89,763.88           | 34,159.73          | 2,300.00     | 326,667.95       | 3,332,941.35  |                  |
| Jan.   | 221,044.99        | 84,588.41           | 21,914.10          | 3,400.00     | 336,947.50       | 3,663,888.85  |                  |
| Feb.   | 153,673.67        | 84,093.15           | 26,573.13          | 150.00       | 264,415.95       | 3,928,304.80  |                  |
| March  | 220,062.25        | 83,101.37           | 79,409.51          | 2,200.00     | 384,773.13       | 4,313,077.93  |                  |
| Total: | \$ 2,675,086.68   | \$ 1,042,879.19     | \$ 559,270.61      | \$ 35,841.45 | \$ 4,313,077.93  |               |                  |

### TYPES OF AWARDS

Awards are paid in lump sums or over protracted periods for unreimbursed medical expenses and loss of earnings or support. Awards for loss of income are limited to \$250 per week, with a total maximum of \$20,000 for crimes occurring after January 1, 1977. For crimes prior to 1977, awards for loss of income were limited to a maximum of \$15,000. There is no maximum on awards for medical expenses, reasonably incurred.

Protracted awards are allocated in monthly payments to a crime victim when the Board determines that a continual loss of income or support has occurred as the result of injury or death.

APPENDIX E

SAMPLE BROCHURES FROM VICTIM COMPENSATION  
PROGRAMS: DELAWARE, MONTANA, AND WASHINGTON

NOTE: THE BOARD WILL NOT COVER ANY MONETARY OR PERSONAL PROPERTY LOSS.

**4. How your claim will be checked?**

The information given by the victim or survivors of the victim will be verified by the Board's Investigator. You may be required, at the Board's expense, to undergo a medical examination by a Doctor chosen by the Board.

All inquiries will be conducted in strict confidence.

**5. How your claim will be considered?**

After the investigation has been completed by the Staff, the Board will conduct a hearing in which you will be given the opportunity to appear with counsel or any witnesses. If counsel is obtained, please notify the office of the Violent Crimes Compensation Board immediately.

Counsel will be paid directly by the Board for representation of your claim.

Your claim will be investigated and determined whether the alleged criminal is known or not, or whether he has been arrested and found guilty or not guilty.

**6. How will you be advised of the decision?**

You will be sent a copy of the Board's decision in writing setting forth the reasons why your claim is allowed or disallowed.

**7. Do you have the right to appeal?**

YES, If you are dissatisfied with the decision of the Board, you may within thirty (30) days upon receipt of the decision appeal to the Superior Court of the State of Delaware.

**8. Where claim forms are available.**

- (a) Violent Crimes Compensation Board  
800 Delaware Avenue, Suite 601  
Wilmington, Delaware 19801
- (b) All Justice of the Peace Courts,  
State of Delaware located in  
New Castle, Kent and Sussex  
Counties.

**9. Where your claim can be filed.**

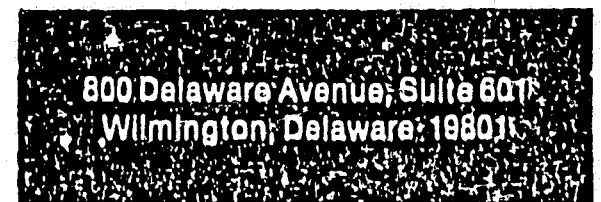
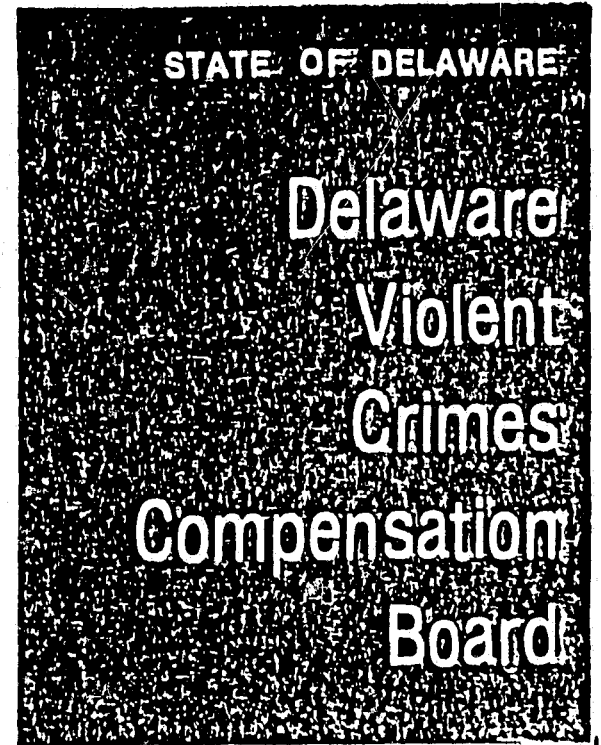
The Board will furnish you with the form to be filed if you write or contact

**VIOLENT CRIMES  
COMPENSATION BOARD**  
800 Delaware Avenue, Suite 601  
Wilmington, Delaware 19801  
Telephone 571-3030

You will be asked to execute an authorization for the Board to verify information in your claim and also a subrogation agreement to the State.

**VIOLENT CRIMES  
COMPENSATION BOARD**

- Clifford B. Hearn, Jr., Esq. . . . Chairman
- Leah W. Betts . . . . . Board Member
- Robert H. George . . . . . Board Member
- Stephen L. Manista . . . . . Board Member
- Edward S. Stansky . . . . . Board Member
- Oakley M. Banning, Jr. . . . . Executive Secretary





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER, 1988

Innocent victims of violent crimes deserve more compensation than just our compassion. That is why the State of Delaware has established a Violent Crimes Compensation Board.

You often, innocent victims suffer personal as well as financial injuries because of the crime. For this reason, the state provides monetary compensation to victims in order to alleviate the financial burden.

This brochure is designed to assist you in determining whether you are eligible to make a claim. Please read it carefully, and feel free to call upon the Violent Crimes Compensation Board and its staff for further information and assistance.

*Pierre S. du Pont*  
Pierre S. du Pont  
Governor

The Violent Crimes Compensation Board has been established to assist those innocent victims of crime suffering injury (bodily harm or extreme mental suffering).

The Board consists of five Members appointed by the Governor and confirmed by the Senate. The Board is assisted by a permanent staff. Claims for compensation are made directly to the Board.

### 1. Who may file a claim?

- (a) Any individual who sustained personal injuries and is an innocent victim of a violent crime that occurred in the State of Delaware; or
- (b) a surviving spouse or child of a victim who died as a direct result of a violent crime; or
- (c) Any other person dependent for his principal support upon a victim of a violent crime, who died as a direct result of such crime; and
- (d) if a victim is a minor, the claim may be signed by his parent, guardian, or person with whom he resides; and
- (e) a claim must be filed within one year of the date of the incident.

**NOTE:** If YOU are the person responsible for the crime upon which a claim is based or an accomplice of such person you are NOT eligible to receive an award. You are NOT entitled to an award if you contributed to the infliction of your own injuries.

### 2. What test will the Board apply?

Your application for compensation

will be considered by the Board only if:

- (a) a violent crime was committed; and
- (b) such crime directly resulted in physical injuries or death of the victim; and
- (c) police records show that such crime was promptly reported to the proper authorities and they received cooperation from the victim or survivors of the victim; and
- (d) if offender is apprehended, victim must cooperate with the prosecution.

### 3. What compensation may be paid?

The Maximum award is \$10,000.00 with a Minimum award of \$25.00 (except in dire hardship cases).

The award will cover the following:

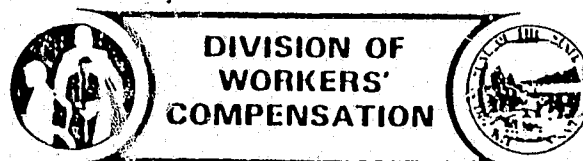
- (a) personal injury (bodily harm or extreme mental suffering as the result of the crime)
- (b) dental care
- (c) psychiatric care
- (d) net loss of earnings (due to the result of the crime) not covered by any type of insurance such as Workman's Compensation
- (e) prescription eye glasses
- (f) out-of-pocket expenses incurred as a result of the crime
- (g) compensation for disability and disfigurement.

The Board pays only medical expenses that are not covered by any type of insurance such as Blue Cross, Blue Shield, Medicare, etc. Direct payment is made to medical providers with whom you have outstanding bills.

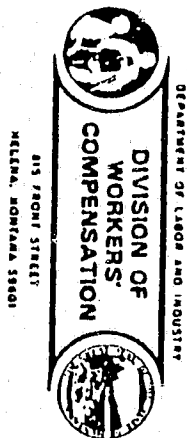
# CRIME VICTIMS COMPENSATION ACT

CRIME VICTIMS  
COMPENSATION  
INFORMATIONAL  
PAMPHLET

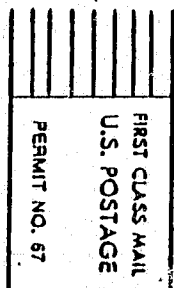
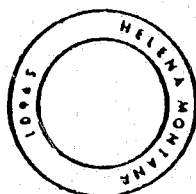
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Prepared  
by  
Division of Workers' Compensation  
815 Front Street  
Helena, Montana



815 FRONT STREET  
HELENA, MONTANA 59601



FIRST CLASS MAIL

To:

## SUMMARY OF THE CRIME VICTIMS COMPENSATION ACT

### What is the Crime Victims Compensation Law?

The Crime Victims Compensation Act creates a fund which pays certain compensation and medical benefits to innocent victims who suffer bodily injury or death as a result of criminal conduct.

### What are the Revenue Sources?

The primary revenue source is six percent of all fines assessed or bails forfeited on all offenses involving a violation of a state statute or city ordinance relating to the operation or use of motor vehicles, except parking violations. Revenue may also be received from convicted offenders if the court sets such a payment as a condition of probation or parole, or from the offender through a civil action. In addition, federal funding may be received should it become available through Congressional action.

### Who is Eligible for the Benefits?

Benefits are payable to innocent victims of criminal acts, who suffer bodily injury or death as a result of criminal conduct. However, unless the interests of justice otherwise require, benefits are not paid to a spouse, parent, child, brother or sister, or other person living in the same household with the offender. Also, benefits are not payable:

- To the offender or an accomplice.
- For injuries from a motor vehicle accident,
- For property loss; or,
- For incidents occurring prior to January 1, 1978.

### What Benefits are Available?

**MEDICAL BENEFITS**—The claimant is entitled to be reimbursed for reasonable physician services, hospital services, medicines, and such other treatment as approved by the Division of Workers' Compensation.

**COMPENSATION BENEFITS**—The claimant is entitled to weekly compensation in the amount of 66 2/3% of the total actual wage loss subject to a maximum of \$125 a week. The claimant must suffer a wage

loss for one week before compensation is due, and then compensation is paid from the date wage loss began. Benefits are continued until the claimant has a reasonable prospect of returning to work. The Division may also award compensation benefits not to exceed \$100 per week to claimants who were unemployed but employable at the time of injury.

Amounts payable as weekly compensation may not be commuted to a lump sum and may not be paid less frequently than every two weeks.

**DEATH BENEFITS**—If an injury causes death, the surviving spouse and dependents are entitled to compensation benefits until the spouse remarries or the other dependents lose their dependent status. Reasonable funeral and burial expenses are also paid up to \$1100.

**REHABILITATION BENEFITS**—To the extent funds are available, claimants are entitled to the rehabilitation services offered by the State of Montana.

### What are the Benefit Limits?

If a victim was employed at the time of injury, the total benefits payable to the victim, or the victim's spouse or dependents in case of death, may not exceed \$25,000. If the victim was unemployed but employable at the time of injury, the total benefits may not exceed \$20,000.

### How does the Claimant Apply for Benefits?

The claimant must submit a claim form to the Division's Crime Victims Unit within one year after the day the criminal conduct occurred. Claim forms are available by writing to the Division at 815 Front Street, Helena, Montana or by telephoning Area Code 406-449-5633 or 449-2047.

### What are the Other Requirements the Claimant Must Meet?

The law places requirements on the claimant and restrictions on the amount of benefits available.

1. Compensation may not be awarded unless the criminal conduct is reported to a law enforcement officer within 72 hours, unless it is found that there was good cause for the failure to report within that time.

2. The claimant must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecuting of the offender, or benefits may be denied, reconsidered, or reduced. Benefits are available whether or not any person is prosecuted or convicted.
3. The claimant's benefits are reduced by amounts received or available from collateral sources. Collateral sources include:

- Social Security
- Medicare
- Medicaid
- welfare
- workers' compensation
- medical or health and accident insurance
- sick leave
- employer wage continuation plans
- disability insurance
- loss of wage insurance
- life insurance
- veterans benefits

A claimant must seek recovery from a collateral source before receiving benefits from the Crime Victims Compensation Act.

### What Appeal Procedures are Available?

After the Division has made its final determination concerning any matter relating to a claim, the claimant may appeal any disputed issue to the Workers' Compensation Judge. A decision by the Workers' Compensation Judge can be appealed to the Montana Supreme Court.

### For More Information

For further information about compensation benefits for victims of crime, contact the Crime Victims Unit at the Division of Workers' Compensation, 815 Front Street, Helena, Montana 59601.



# WHEN CRIME STRIKES

INJURED VICTIMS  
CAN GET HELP  
HERE'S HOW...

THIS GUIDE PREPARED BY THE  
WASHINGTON STATE  
DEPARTMENT OF LABOR & INDUSTRIES

CRIME VICTIMS  
COMPENSATION DIVISION

Innocent victims of violent crime are entitled to compensation in Washington State—and rightly so. Before the Washington Legislature passed the Crime Victims Compensation Act in 1973, victims had to pay all of their own expenses when they were injured because of a criminal act. These expenses included medical and ambulance costs, and wages lost because of time off the job.

Now our state is among the leaders of the nation in compensating innocent crime victims for physical injuries. We are providing medical coverage without time or amount limitations. We provide death benefits to survivors in many cases. We pay for lost job time and pensions if injuries are serious enough to permanently prevent a person from returning to work. All of these benefits are reduced by any private medical or life insurance benefits the victim may receive.

Of course, the state cannot fully repay a crime victim for his suffering or a survivor when the victim is fatally injured. But we have taken positive steps toward helping Washington State crime victims and their families through such crises.

Dixy Lee Ray  
Governor

DEPARTMENT OF LABOR AND INDUSTRIES

JOHN C. HEWITT, Director

CRIME VICTIMS COMPENSATION DIVISION

CALVIN WINSLOW, Administrator

## WHAT IS CRIME VICTIMS COMPENSATION?

Crime victims compensation is a program which provides financial help in cases where bodily injury or death results from criminal acts against innocent victims.

## WHO PROVIDES THIS COMPENSATION?

Compensation is provided by the general fund of the State of Washington through the Crime Victims' Compensation Division of the Washington State Department of Labor and Industries.

## WHO IS COVERED?

Any person is entitled to benefits if he or she suffers bodily injury as an innocent victim of a criminal act within the borders of this State. Surviving dependents and beneficiaries of innocent victims who die as a result of criminal acts committed in Washington are entitled to death benefits. Benefits also extend to those innocent persons who sustain bodily injuries or death while attempting to prevent a criminal act or to apprehend a person suspected of engaging in a criminal act.

## WHO IS NOT COVERED?

Persons are not eligible for benefits if: (1) the injury was caused by a motor vehicle (unless the injury was intentionally inflicted by its operator); (2) the injury resulted from the consent, provocation or incitement by the victim; (3) the injury was inflicted by a person living with the victim; (4) the injury was inflicted by a spouse, child, parent or sibling of the victim; (5) the injury resulted from the victim's own criminal act; or (6) the injury occurred while the victim was imprisoned.

## HOW ARE THE BENEFITS OBTAINED?

The victim (or his survivors) must report the crime to the appropriate law enforcement agency within 72 hours after it was committed, unless good cause can be established for not doing so. A written claim for benefits must be filed with the Department of Labor and Industries within one year after the date of the criminal act. Application forms and assistance in completing them may be obtained from any of the Department's 16 service locations listed in this pamphlet.

## WHAT ARE THE BENEFITS?

Benefits are patterned after those in the State Industrial Insurance Law. Under this act, however, benefits are reduced by the amount of any other public or private insurance, industrial insurance, or medical, health or disability benefits which may be available. Payment by the Department is secondary to such other insurance or benefits, regardless of any contract or coverage provisions to the contrary. Life insurance proceeds of \$40,000 or less are not offset against benefits.

—**Medical Coverage.** All medical costs arising from a covered injury will be paid without limitation by time or amount.

—**Time-loss Compensation.** Victims whose injuries temporarily prevent them from working are paid a percentage of their normal wages. To be eligible for compensation, victims must be employed immediately prior to the injury or for at least three consecutive months during the previous twelve months. The level of compensation varies, according to marital status and number of dependents. Table I in this pamphlet outlines the benefit schedule.

—**Pensions.** Victims receive a monthly pension payment if their injuries will permanently prevent them from returning to any job. As with time-loss compensation (described above), payments are based on the victim's normal wages, marital status and number of dependents. Table I also shows the sliding scale of wage percentages for pension recipients. If the victim was not employed at the time of a totally and permanently disabling injury, pension payments will be based on a percentage of the state's average wage, as described in Table II.

—**Death Benefits.** Pensions for death range from 60 percent of the wage of the deceased (for a surviving spouse) up to 70 percent of the wage of the deceased (for a surviving spouse with five or more children). An immediate cash payment of \$800 is made to the surviving spouse following the death of a fatally injured victim. Funeral expenses up to \$1,000 are also paid.

If the deceased was not employed at the time of injury or had not been employed for at least three of the preceding twelve months, his or her surviving spouse, dependents and beneficiaries are not entitled to pension benefits. In such a case, the law provides up to \$1,000 for funeral expenses and a lump-sum payment of \$7,500 to the surviving spouse. If the deceased leaves children who are not in the custody of the surviving spouse, the spouse receives \$3,750, and the remaining \$3,750 is divided equally among the children. If there is no surviving spouse, any children share the full \$7,500.

—**Permanent Partial Disability Awards.** The law compensates the loss of sight, hearing or limbs with specified sums of money. However, many permanent partial disabilities are not specifically listed in the law. Payments for such "unspecified" disabilities are made according to the degree of total bodily impairment the injuries inflict on workers as determined by qualified physicians in accordance with Department standards. The maximum possible payment for unspecified disabilities is \$30,000.

## CAN CRIME VICTIMS SUE THE OFFENDER?

Any person injured by a criminal act may seek to recover damages from the offender through civil action. If a recovery is made, the Department of Labor and Industries must be reimbursed for any benefits paid under the Crime Victims Act.

## WHO DETERMINES WHAT BENEFITS ARE PAID?

After receiving a claim for compensation, the Department conducts an investigation to determine its validity. After full consideration, the Department then issues an order which spells out whatever determination has been made in the matter. This order is mailed to the claimant and others who may be involved in the claim.

## APPEAL RIGHTS

Any person who is aggrieved by a Department order may file an appeal with the Board of Industrial Insurance Appeals. Any appeal must be received by the Board within 60 days from the day on which the Department order was communicated to the aggrieved person. Further information on appeal rights and procedures may be obtained directly from the Board of Industrial Insurance Appeals at 1000 South Cherry Street, Olympia, Washington 98504 (753-68231).

**TABLE I**

**Monthly Time-Loss and Pension Benefits**

*(Monthly payment levels listed below are effective for injuries occurring on or after July 1, 1974.)*

| Marital Status | Number of Children | Percent of Worker's Wage |
|----------------|--------------------|--------------------------|
| Married        | 5 or more          | 75%                      |
| Unmarried      | 5 or more          | 70%                      |
| Married        | 4                  | 73%                      |
| Unmarried      | 4                  | 68%                      |
| Married        | 3                  | 71%                      |
| Unmarried      | 3                  | 66%                      |
| Married        | 2                  | 69%                      |
| Unmarried      | 2                  | 64%                      |
| Married        | 1                  | 67%                      |
| Unmarried      | 1                  | 62%                      |
| Married        | 0                  | 65%                      |
| Unmarried      | 0                  | 60%                      |

*\*The maximum amount of any monthly payment is set by law at 75 percent of the State's average wage at the time of injury.*

**TABLE II**

**Monthly Pension Benefits for Permanently Disabled Victims Not Gainfully Employed at the Time of the Criminal Act.**

*(Percentages listed below are effective for injuries on or after June 4, 1975.)*

| Marital Status | Number of Children | Percent of State Average Wage |
|----------------|--------------------|-------------------------------|
| Married        | 5 or more          | 47%                           |
| Unmarried      | 5 or more          | 43%                           |
| Married        | 4                  | 44%                           |
| Unmarried      | 4                  | 40%                           |
| Married        | 3                  | 41%                           |
| Unmarried      | 3                  | 37%                           |
| Married        | 2                  | 38%                           |
| Unmarried      | 2                  | 34%                           |
| Married        | 1                  | 34%                           |
| Unmarried      | 1                  | 30%                           |
| Married        | 0                  | 29%                           |
| Unmarried      | 0                  | 25%                           |

**DISTRICT OFFICES OF THE DEPARTMENT OF LABOR AND INDUSTRIES**

The following 16 offices are maintained by the Department of Labor and Industries to help you. Any questions not answered in this brief guide will be given prompt and personal attention at these offices. Consult the office nearest your home.

1. ... P.O. Box 66, 2700 Simpson Ave.—98520 (532-1020)
2. ... P.O. Box 608, 2500 Elm St. Suite F—98225 (676-2083)
3. ... P.O. Box 307, 245 Fourth Street Building, Suite 501—98310 (478-4921)
4. ... P.O. Box 906, 21 "C" St. S.W.—98823 (754-4608)
5. ... P.O. Box 67, Eastmont Plaza—98201 (337-5036)
6. ... P.O. Box 6126, 2635 W. Deschutes—99336 (783-6171)
7. ... P.O. Box 578, 1342 12th Ave.—98632 (577-2200)
8. ... P.O. Box 189, 2021 College Way—98273 (424-3151)
9. Olympia, General Administration Bldg.—98504 (753-6318)
10. ... 403 E. 8th—98362 (452-9288)
11. ... 300 W. Harrison—98119 (464-7070)
12. ... E. 3102 Trent Ave.—99202 (456-2930)
13. ... 122 Public Service Bldg., 1305 Tacoma Ave. S. 98402 (593-2850)
14. ... P. O. Box 331, 601 West Evergreen Blvd.—98660 (Vancouver, 696-6311) (Portland, 285-8747)
15. ... P.O. Box 597, 1139 Princeton—98801 (662-6159)
16. ... P.O. Box 527, 1011 S. 3rd St.—98907 (575-2643)

APPENDIX F

SAMPLE CLAIM FORMS

The following sets of claim forms have been provided by the victim compensation programs in Florida, Indiana, Minnesota, and Pennsylvania.

APPLICATION FORM

The Florida Crimes Compensation Commission is required by law to gather information which is used to determine the amount of money to which an applicant may be entitled. Information on this application will be used and additional information will be gathered from the applicant's employer, doctor, hospital, and law enforcement and insurance companies. The applicant will also be required to submit a financial statement. PLEASE READ THE ENTIRE APPLICATION BEFORE COMPLETING AND SUBMITTING TO THE CRIMES COMPENSATION COMMISSION

1. Name of Applicant: \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

Telephone: \_\_\_\_\_  
Area Code \_\_\_\_\_ Home \_\_\_\_\_ Work \_\_\_\_\_

2. Name of Victim (If other than applicant): \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

Relationship of Victim to Applicant: Same \_\_\_\_\_  
(PROOF REQUIRED) Spouse \_\_\_\_\_  
Child \_\_\_\_\_  
Other (Specify) \_\_\_\_\_

3. Briefly describe the crime and the injuries received.

Date of Crime \_\_\_\_\_ Location of Crime \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was this crime reported to law enforcement officials within 72 hours of the incident? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, WHY? \_\_\_\_\_

Law enforcement agencies investigating crime: \_\_\_\_\_

Name of officer(s) investigating crime (if known): \_\_\_\_\_

4. Hospital(s) or medical facility(ies) which rendered services for injuries received as a result of the crime: \_\_\_\_\_

5. Who provided medical services for injuries received as a result of this crime, (i.e., doctor, emergency medical unit, etc.)? \_\_\_\_\_

6. List the expenses incurred to date for injuries received as a result of the crime:

Doctor Bills \_\_\_\_\_ Hospital Bills \_\_\_\_\_

Loss of Wages \_\_\_\_\_ Other (Specify) \_\_\_\_\_

7. Is there insurance which may cover these expenses? Yes \_\_\_\_\_ No \_\_\_\_\_ If "Yes," please provide the following information.

Name of insurance company \_\_\_\_\_ Name of insured \_\_\_\_\_ Policy No. \_\_\_\_\_

I certify that this claim is filed within one year of the occurrence of the crime. I further certify that, to the best of my knowledge, all questions have been answered fully. The Florida Crimes Compensation Commission is hereby authorized to send inquiries to any and all persons, institutions, or agencies that may have knowledge relevant to this application.

Applicant's Signature \_\_\_\_\_  
Date \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_\_.

Notary Public, State of Florida at Large \_\_\_\_\_

My Commission expires \_\_\_\_\_

EMERGENCY AWARDS

8. Emergency awards up to \$500 may be granted in cases of undue hardship. If requesting emergency assistance, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's Signature \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_\_.

Notary Public, State of Florida at Large \_\_\_\_\_

My Commission expires \_\_\_\_\_

*PENALTY CLAUSE, Section 960.18, Florida Statutes:*

*"Any person who procures compensation under this chapter by any fraud, or any person who counsels another person to procure compensation under this chapter by any fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.083 or s. 775.084...."*

MINNESOTA

INSTRUCTIONS AND INFORMATION

1. The purpose of this form is to initiate the filing of a claim with the Minnesota Crime Victims Reparation Board. All information requested on the reverse side should be provided.
2. The oath on the reverse side must be taken before a notary public. Minnesota law 209B.16 provides that a person who makes a false claim to the Crime Victims Reparations Board is guilty of a gross misdemeanor.
3. After the form has been completed and the oath has been taken before a notary public, the form should be sent to the following address:  

Minnesota Crime Victims Reparations Board  
702 American Center Building  
130 East Kellogg Blvd.  
St. Paul, MN 55101
4. Upon receipt of this form the Crime Victims Reparations Board will cause an investigation to be undertaken into the validity of the claim. This investigation may include discussions with law enforcement officers and inspection of their records, inspection of medical records, and any other inquiry relevant to the claim.

PRELIMINARY CLAIM FORM  
MINNESOTA CRIME VICTIMS REPARATIONS BOARD  
702 American Center Building, 160 East Kellogg Blvd., St. Paul, MN 55101

Before completing this form, please read the instructions and information on the reverse side of this form.

1. Name of claimant: \_\_\_\_\_  
LAST FIRST M.I.

Street Address City State Zip

Date of Birth Social Security Number

Telephone (include area code): Home \_\_\_\_\_ Work \_\_\_\_\_

2. Status of claimant (check one of the below):
- \_\_\_\_\_ Victim of crime
  - \_\_\_\_\_ Dependent of deceased victim of a crime. (Specify relationship to victim: \_\_\_\_\_)
  - \_\_\_\_\_ Representative of estate of deceased victim or crime
  - \_\_\_\_\_ Purchaser of services for the victim of crime
  - \_\_\_\_\_ Other (Describe: \_\_\_\_\_)

3. If claimant is not the victim, state the victim's name and address, social security number, and birthdate:  
\_\_\_\_\_  
\_\_\_\_\_

4. Description of incident giving rise to this claim:

a. Date of incident: \_\_\_\_\_

b. Nature of the incident (briefly describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Law enforcement agency and officer to whom incident was reported:  
\_\_\_\_\_  
\_\_\_\_\_

d. Physical injuries and economic loss sustained by victim (briefly describe):  
\_\_\_\_\_  
\_\_\_\_\_

e. Doctor(s) and/or hospital(s) providing treatment (names-addresses)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, do hereby swear that I have read the instructions and information on the reverse side of this form.

to the best of my knowledge and belief





3. Where the claim has suffered personal injury

(1) Loss of income:

| <u>Source</u>                         | <u>Loss per period (specify period)</u> | <u>No. of periods</u> | <u>Total loss from that source</u> |
|---------------------------------------|---|-----------------------|------------------------------------|
| <u>Name &amp; Address of Employer</u> |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |
|                                       |   |                       |                                    |

Subtotal (Total loss of income from all sources) \_\_\_\_\_

If the victim has died

(1) Expenses for funeral and burial or cremation:

| <u>Creditor</u> | <u>Purpose of expense</u> | <u>Amount</u> |
|-----------------|---------------------------|---------------|
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |
|                 |                           |               |

Subtotal \_\_\_\_\_

(2) Loss of support:

| <u>Source</u> | <u>Loss per period (specify period)</u> | <u>Total loss from that source</u> |
|---------------|---|------------------------------------|
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |
|               |   |                                    |

Subtotal (Total loss of support from all sources) \_\_\_\_\_

(3) Total economic loss (sum of all subtotals in A and B or A and C above) \_\_\_\_\_

(a) List names, addresses, ages and relationships of all dependents of deceased.

5. I have received or have finally received the

following economic loss  
covered (specify)

Amount

Source

Payment from the offender

Social security

U.S. Veterans' Administration

Medicare

Medicaid

Workmen's Compensation

Employer's wage continuation  
program  
(name of employer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

Insurance proceeds  
(name of company:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

Prepaid health care or disability  
program  
(name of source:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

Other benefits from federal,  
state, or local governments  
(including welfare)  
(name of source:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

Donation or gift  
(name of source:

\_\_\_\_\_  
\_\_\_\_\_

Other sources of aid.  
(specify):

\_\_\_\_\_  
\_\_\_\_\_

6 Total collateral sources

Subtract total 6 from total C(3)

Total claimed (If greater than \$25,000, only \$25,000 can be claimed)

I, \_\_\_\_\_, hereby request reparations for economic loss in the amount of \_\_\_\_\_. I hereby swear that I have read the instruction sheet attached to this form and that I have complied with the instructions thereon. I further swear that the information provided is true and correct to the best of my knowledge and belief.

I further acknowledge and agree that the State of Minnesota is subrogated, to the extent of any reparations awarded to me, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is, or if readily available to the victim or claimant would be, a collateral source.

Dated: \_\_\_\_\_

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public



CRIME VICTIM'S COMPENSATION BOARD

CLAIM FORM -

INFORMATION AND INSTRUCTIONS

1. Type or print with ballpoint pen. Answer all questions completely - giving full names, addresses (including zip codes) and telephone numbers for all witnesses, doctors, hospitals, pharmacys, employer, funeral directors, etc. Give complete name and address of police station where crime was reported.

Also attach copies of all bills to claim form and sign your name to the 5 statements on the last page.

2. A claim must be filed not later than one year after the occurrence of the crime upon which the claim is based.
3. No award shall be made unless the incident has been reported to the proper authorities within seventy-two (72) hours, except for good cause shown.
4. To insure postal delivery please affix the proper amount of postage.
5. If you have any questions about the form, call this office at 717-783-5153.

Mail completed form to:

Commonwealth of Pennsylvania  
Crime Victim's Compensation Board  
Department of Justice  
1920 Paxton Street  
Harrisburg, PA 17104

|                    |
|--------------------|
| Claim No. _____    |
| Board Member _____ |
| FOR OFFICIAL USE   |

COMMONWEALTH OF PENNSYLVANIA  
 Department of Justice  
 Crime Victim's Compensation Board  
 Harrisburg, Pennsylvania 17104

717-783-5153

CLAIM FORM

Date: \_\_\_\_\_

Before completing this form, please read the information and instructions.

Type of Claim: \_\_\_\_\_ Personal Injury Claim \_\_\_\_\_ Death Claim

1. Name of Victim \_\_\_\_\_

2. Address \_\_\_\_\_  
 Street City or Town County

State Zip Code Telephone No. Home Work

3. Victim's Date of Birth \_\_\_\_\_ Age \_\_\_\_\_  
 Month Day Year

4. Victim's Social Security Number \_\_\_\_\_

5. Male ( ) Female ( ) Single ( ) Married ( )  
 Divorced ( ) Separated ( ) Widow ( ) Widower ( )

6. If the victim is deceased, a minor, or a mentally incompetent adult, please answer the following:

A. Name of Claimant \_\_\_\_\_

B. Claimant's Address \_\_\_\_\_  
 Street City or Town County

State Zip Code Telephone No. Home Work

C. Claimant's Occupation \_\_\_\_\_ Net Weekly Salary \$ \_\_\_\_\_ \*

\* Net income = gross income less Federal Income Tax, State Income Tax, Local Wage Tax and Social Security.

D. Claimant's Employer \_\_\_\_\_  
Name

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

E. Claimant's Social Security Number \_\_\_\_\_

F. Relationship to Victim \_\_\_\_\_

7. Status of Victim or Claimant (Check one of the below)

\_\_\_\_\_ Victim of Crime

\_\_\_\_\_ An intervenor (One who tries to prevent a crime)

\_\_\_\_\_ A surviving spouse of a deceased victim or an intervenor

\_\_\_\_\_ A court appointed guardian of a child or mentally incompetent adult

\_\_\_\_\_ A parent of a minor

\_\_\_\_\_ Dependent of deceased victim

8. Names, dates of birth and relationship of dependents

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Name and address of person other than victim or claimant to whom correspondence is to be directed.

\_\_\_\_\_ Name

\_\_\_\_\_ Address Telephone No. \_\_\_\_\_

10. Particulars of circumstances when incident occurred.

A. Date of incident \_\_\_\_\_ B. Time \_\_\_\_\_ A.M. or P.M.

C. Date of Death \_\_\_\_\_ Attach copy of Death Certificate

E. Location of incident \_\_\_\_\_

F. Name and address of offender (if known) at time of incident \_\_\_\_\_

\_\_\_\_\_

G. If work related incident, please attach copies of all Worker's Compensation benefits.

H. Names and addresses of person(s) witnessing the incident.

Name \_\_\_\_\_

Street State Zip Code Telephone No.

Name \_\_\_\_\_

Street State Zip Code Telephone No.

Name \_\_\_\_\_

Street State Zip Code Telephone No.

Name \_\_\_\_\_

Street State Zip Code Telephone No.

11. Particulars of police action.

A. Date when incident was reported to police \_\_\_\_\_ Time \_\_\_\_\_ A. P.

B. By whom it was reported, if known \_\_\_\_\_

C. To which police agency reported: \_\_\_\_\_ Local Police \_\_\_\_\_ State Police

Name of Police Dept. City or Town County

District Justice Address

D. Has offender been arrested? Yes ( ) No ( ) Do not know ( )

E. Has prosecution been started? Yes ( ) No ( ) Do not know ( )

F. Name of Court \_\_\_\_\_

(Further description of court) \_\_\_\_\_

G. Was the offender convicted? Yes ( ) No ( ) Case Pending ( )

H. Was restitution ordered? Yes ( ) No ( ) Case Pending ( )

12. Particulars of personal injuries.

A. What injuries were sustained \_\_\_\_\_



B. If hospitalization was required complete the following:

Name of Hospital \_\_\_\_\_

Hospital address \_\_\_\_\_

Period of treatment In-Patient From \_\_\_\_\_ To \_\_\_\_\_

Out-Patient From \_\_\_\_\_ To \_\_\_\_\_

C. Names and addresses of any doctor(s) either examining or treating

| Name | Address | Zip Code |
|------|---------|----------|
|------|---------|----------|

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

D. Names and addresses of any person(s) who rendered non-medical care and treatment other services necessary as a result of the incident.

| Name | Address | Zip Code |
|------|---------|----------|
|------|---------|----------|

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

E. If dental treatment was required, please give name and address of dentist.

| Name | Address | Zip Code |
|------|---------|----------|
|------|---------|----------|

13. Particulars regarding loss of earnings.

A. If victim is employed by another:

Employer's name \_\_\_\_\_

Employer's address \_\_\_\_\_

Street

| State | Zip Code | Telephone No. |
|-------|----------|---------------|
|-------|----------|---------------|

Period of absence from work. From \_\_\_\_\_ To \_\_\_\_\_

Amount of net earnings lost during absence \$ \_\_\_\_\_ \*

\* Net earnings = gross earnings minus Federal, State and Local Income taxes and Social Security.

Please attach copy of latest Individual Income Tax Return, with accompanying Schedules, if applicable.

B. If victim is self-employed:

Name of business \_\_\_\_\_

Business address \_\_\_\_\_

Street

State

Zip Code

Telephone No.

Type of business Sole Proprietorship \_\_\_\_\_

Partnership \_\_\_\_\_

Corporation \_\_\_\_\_

Period of absence from work. From \_\_\_\_\_ To \_\_\_\_\_

Amount of net earnings lost during absence \$ \_\_\_\_\_ \*

\* Net earnings = gross profit minus Federal, State and Local Income taxes and Social Security.

Please attach copy of latest Business Tax Return.

14. Are you enrolled in any of the following plans? If yes, give policy name and claim numbers.

\_\_\_\_\_ Blue Cross \_\_\_\_\_  
Contract No. & Type of Plan

\_\_\_\_\_ Blue Shield \_\_\_\_\_  
Contract No. & Type of Plan

\_\_\_\_\_ Medicare \_\_\_\_\_  
Claim Number

\_\_\_\_\_ Medicaid \_\_\_\_\_  
Claim Number

\_\_\_\_\_ Major Medical \_\_\_\_\_  
Company Name & Policy Number

\_\_\_\_\_ Other Medical Plan \_\_\_\_\_  
Company Name & Policy Number

Are you receiving, have you received or do you expect to receive benefits from any of the following? If yes, give policy name, claim numbers and amounts.

\_\_\_\_\_ Worker's Compensation \_\_\_\_\_ Amount  
Policy No. - Copy of Award \$

\_\_\_\_\_ Disability Benefits \_\_\_\_\_  
Policy No. - Copy of Award

|   |                                  |        |
|---|----------------------------------|--------|
| Unemployment Compensation                       | Claim Number                     |        |
| Accident and Health or Life Insurance Policies  | Company Name and Policy Number   |        |
| Public or General Assistance                    | Date Benefits Started            |        |
| Medical Assistance                              |                                  |        |
| Pension   |                                  |        |
| Social Security                                 | Copy of Award                    |        |
| Veterans Benefits                               | Copy of Award                    |        |
| Loss of Income Insurance                        | Company Name and Policy Number   |        |
| Support   | If Court Ordered - Copy of Order |        |
| Other Benefits including Union Related Benefits | Name                             | Number |
| Civil Suit contemplated                         | Civil Suit pending               | Status |

Attach copies of all award certificates or benefit statements.

15. Particulars of medical and funeral expenses.

|           | Name | Total Bill | Amount Paid By Insurance | Amount Paid By Claim/Victim | Balance |
|-----------|------|------------|--------------------------|-----------------------------|---------|
| Hospitals |      |            |                          |                             |         |
|           |      |            |                          |                             |         |
| Doctors   |      |            |                          |                             |         |
|           |      |            |                          |                             |         |
|           |      |            |                          |                             |         |
| Optician  |      |            |                          |                             |         |
|           |      |            |                          |                             |         |
| Pharmacy  |      |            |                          |                             |         |

| Name      | Total Bill | Amount Paid By Insurance | Amount Paid By Claim/Victim | Balance |
|-----------|------------|--------------------------|-----------------------------|---------|
| Dentist.  |            |                          |                             |         |
| Ambulance |            |                          |                             |         |
| Funeral   |            |                          |                             |         |
| Others    |            |                          |                             |         |
|           |            |                          |                             |         |
|           |            |                          |                             |         |

Attach copies of all bills, receipts and insurance statements. An expense not included in #15 may not be considered by the Board.

16. Please describe the occurrence of the crime in your own words.

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17. Total amount of money requested by Claimant \$ \_\_\_\_\_

I, under penalties provided in the Pennsylvania Crimes Code affirm and state, that to the best of my knowledge and belief, the facts set forth in the foregoing claim are true, and further promise to update and keep current any information contained herein.

Claimant: \_\_\_\_\_

#### CONSENT

I hereby consent that, if any award is made, out of pocket expenses including indebtedness reasonably incurred for medical, or other expenses necessary, as a result of the injury, upon which the claim is based, and unpaid at the time the decision is made, and also attorney's fees as may be allowed by the Board, shall be paid by the Crime Victim's Compensation Board directly to such person, or persons, as the case may be.

Claimant: \_\_\_\_\_

#### SUBROGATION

The claimant hereby covenants that no release has been or will be given in settlement or for compromise with any third party who may be liable in damages to the claimant, and the claimant, in consideration of any compensation made by the Crime Victim's Compensation Board hereby subrogates to the Commonwealth to the extent of any such compensation to any right of cause of action accruing to the claimant against any third person and agrees to accept any such compensation pursuant to the provisions of the act and further agrees that any monies received from a civil suit relating to this incident, or settlement in lieu thereof shall be paid to the Board up to the amount of the award, and further authorizes the Commonwealth to sue in the name of the claimant, but at the cost of the Commonwealth, pledging full cooperation in such action and to execute and deliver all papers and instruments and to do all things necessary to secure such right of case of action.

Claimant: \_\_\_\_\_

#### RESTITUTION

I hereby assign and agree to pay to the Crime Victim's Compensation Board any and all sums of money which may be due from any court ordered restitution up to the amount of my award. It is understood that the total amount of the award shall be paid in full before I, or any third person, may receive any monies from such restitution.

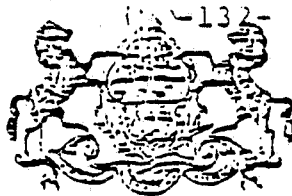
Claimant: \_\_\_\_\_

#### AUTHORIZATION

I hereby authorize any hospital, physician(s), or other person(s) who attended or or examined \_\_\_\_\_ any undertaker or other person(s) who rendered services; any employer(s) of the victim; any police or other municipal authority or agency, or public authorities including State and Federal revenue services; any insurance company or organization, having knowledge thereof, to furnish to the Crime Victim's Compensation Board, or its representative, any and all information with respect to the incident leading to the victim's personal injury or death, and the claim made herewith for benefits. A photocopy of this authorization will be considered as effective and valid as the original.

Date: \_\_\_\_\_

Claimant: \_\_\_\_\_



CRIME VICTIM'S COMPENSATION BOARD  
DEPARTMENT OF JUSTICE  
COMMONWEALTH OF PENNSYLVANIA  
1920 PAXTON STREET  
HARRISBURG, PENNA. 17104

Wm. H. Eckensberger, Jr., Chairman  
Shirley T. Kravitz, Member  
Marvin E. Miller, Member

Abe L. Yablon  
Executive Director

Application for Emergency Compensation

Claim No. \_\_\_\_\_

\_\_\_\_\_ LEGAL SURNAME                      \_\_\_\_\_ FIRST NAME                      \_\_\_\_\_ MIDDLE INITIAL

\_\_\_\_\_ Date of Birth    \_\_\_\_\_ Social Security Number

Present Address: \_\_\_\_\_

Previous Address: \_\_\_\_\_  
(at time of incident, if the Claimant has since moved)

Mailing Address: \_\_\_\_\_

AMOUNT REQUESTED: \_\_\_\_\_ (may not exceed \$1,000.00)

Due to the particular circumstances outlined below, the Claimant has an urgent financial need and is therefore requesting the Crime Victim's Compensation Board to grant an Emergency Compensation in the amount of \$ \_\_\_\_\_. The Claimant fully understands that such Emergency Compensation shall be deducted from the total award granted him by the Board. In the event that no award is made by the Board, or that the compensation award is less than the Emergency Compensation awarded, the Claimant hereby agrees to repay to the Board excess monies granted him in these emergency circumstances. The Claimant understands that the maximum award under the pertinent provisions of Act 139, as amended shall not exceed \$1,000.00. (Please be very clear and concise in your statement. Attach additional sheets AS NECESSARY.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed,

\_\_\_\_\_ Claimant

\_\_\_\_\_ Date

APPENDIX G

SAMPLE FACT SHEETS ON VICTIM COMPENSATION  
PREPARED BY VICTIM ASSISTANCE PROGRAMS

The following guidelines on how to handle victim compensation claims have been prepared by and for the staffs of these victim assistance programs: Victim Services Agency, New York; Victim-Witness Assistance Program, San Francisco; and Victim Witness Assistance Project, Cambridge Massachussetts.

V/WAP - DISTRICT ATTORNEY BULLETIN (NEW YORK)

TO: ALL ASSISTANT DISTRICT ATTORNEYS  
FROM: JOE CARBONE, COORDINATOR OF COURT SERVICES  
RE: CRIME VICTIMS COMPENSATION

This is the first in a series of information bulletins that we intend to develop over the coming months, on pertinent topics useful to individuals who regularly come in contact with crime victims in Brooklyn. If you have any comments about this bulletin, or suggestions for future topics, please feel free to contact us at 834-7450, or visit the Reception Center on the 3th floor of the Criminal Court Building.

The following information details the guidelines of the New York State's Crime Victims Compensation Board (CVCB). It answers most commonly asked questions about board regulations; who can apply, and how to go about doing so. If you or a complainant/victim needs additional information, contact the Crime Victim Hotline (834-7444), or come to the Victim/Witness Reception Center.

Crime Victims Compensation

I. WHO CAN FILE A CLAIM?

- (A) A crime victim who has sustained personal physical injury.
- (B) A surviving spouse, parent, or child, if the victim dies as a result of the crime.
- (C) A dependant for principal support upon such a victim.

II. IT IS REQUIRED THAT:

- (A) The crime be reported to the police.
- (B) That it be reported to the police within one week after the crime occurs.
- (C) A claim must be filed within one year after the crime. An extension can be granted up to one year, if victim shows good cause.
- (D) Victim must show serious financial hardship as a result of the crime.

NOTE: A defendant need not be apprehended or successfully prosecuted.

III. A CLAIM CANNOT BE SUBMITTED IF:

- (A) Criminal and Victim lived in same household or are related.
- (B) Both parties had a previous relationship.



- (C) Victim contributed to the crime or injuries (cross-complaint or co-defendant).
- (D) Injury was inflicted by a vehicle unintentionally.
- (E) Injury is covered in total by other insurance or compensation (CVCB will pay the balance of uninsured costs.)

IV. AWARDS ARE MADE FOR:

- (A) Out-of-pocket medical expenses due to crime--- unlimited reimbursement.
- (B) Psychological or dental expense due to crime.
- (C) Up to \$250 per week as salary compensation for time lost from work, up to a total of \$20,000.
- (D) Funeral expenses. (Maximum is \$1500.)

V. EMERGENCY AWARDS:

- (A) CVCB has \$500 for emergency awards if undue hardship will result from a delay of payment (usually for food or rent expenses unavailable elsewhere).
- (B) Victim must present bills or proof of last income.
- (C) CVCB must have gotten at least the police report.

VI. HOW TO FILE A CLAIM:

- (A) Crime Victim Hotline (834-7444) can mail a claim form to the victim, or a form can be picked up at the Crime Victim Hotline, the Criminal Court Reception Center, or at the police station.
- (B) Victim fills out the last page and mails it to Albany.
- (C) An investigator is assigned in New York, who will contact victim about a month after filing.
- (D) Investigator will need:
  - Police Department report (CVCB will get that).
  - Bills or statements showing cost incurred (ask victim to start accumulating them).
  - Proof of employment (from victim).

NOTE: Some doctors will demand "up front" payment from the victim:

- (1) CVCB may send partial payment.
- (2) Doctors may accept a letter from Board, stating claimant award possibility.
- (E) Appeal:
  - If the victim is not pleased with the result of the award, he/she can appeal to the Board for consideration. A V/WAP counselor could assist in the appeal.

VICTIM WITNESS ASSISTANCE PROGRAM  
50 Ivy Street, 2nd Floor  
San Francisco, California 94102  
(415) 552-6550

Joseph Freitas, Jr.  
District Attorney  
Project Sponsor  
Policy Committee  
District Attorney  
Chief of Police  
Public Defender  
Director of Health  
Care Services  
General Manager,  
Department  
of Social Services  
Chairperson of the  
Commission on Aging  
Chairperson of the  
Commission on the  
Status of Women  
President of the  
San Francisco  
Barriers Club  
Chairperson of Fire,  
Seftay and Police  
Committee of the  
Board of Supervisors  
of the City and County  
of San Francisco  
Nancy Walker  
Executive Director

FACT SHEET

State Victim Compensation Program  
Section 13959 of the Government Code

PURPOSE

To compensate victims who experience a loss of funds which causes a financial hardship as a direct result of a crime of violence.

A person may be eligible for compensation from the State if that person:

- has been physically injured
- has lost income or wages due to time off work
- requires rehabilitation training before returning to work
- is legally dependent for support upon a victim who has been physically injured or has died
- has legally assumed or voluntarily paid the medical or burial expenses of the person who has been physically injured or has died

The State Compensation Program covers only those expenses which are not reimbursed through insurance, sick leave or other types of compensation. These benefits include:

- medical and hospital bills including psychiatric treatment up to \$10,000
- loss of wages or support up to \$10,000
- job retraining or rehabilitation up to \$3,000
- Funeral expenses up to \$1,800
- Attorney fees up to \$500

These things are not covered:

automobile accidents except those involving driving under the influence of alcohol or drugs or hit-and-run driving

property loss of any kind

Other important requirements:

Victim must be a California resident

Victim must apply within one year of the date of the crime

Victim must show loss exceeding \$100 or one fifth of net monthly income, whichever is less

Victim must cooperate fully with the police

Victim must not have provoked the crime

Loss must cause "serious financial hardship". This means financial impact of crime should be sufficient to disrupt victim's normal life and at least temporarily reduce victim's ability to maintain same general standard of living.

All claims are individually investigated and reviewed by the State Board of Control.

Application procedure requires documentation including medical bills, income tax statements, bank statements, rent or house payments.

The Victim/ Witness Assistance Program assembles and prepares claims with the victim, represents the victim at State Board of Control hearings, if necessary, and will answer any questions regarding State Compensation.

Victims should be referred to the Victim/ Witness Assistance Program at 50 Ivy Street, Second Floor, 552-6550.

VICTIM WITNESS ASSISTANCE PROGRAM  
50 Ivy Street, 2nd Floor  
San Francisco, California 94102  
(415) 552-6550

INSTRUCTIONS FOR FILING

- 1. Fill out the application form (attached) in duplicate. If you have not yet made a police report, you should report the incident to the police immediately. Mail these two forms to:

State Board of Control  
926 J Street, Suite 300  
Sacramento, CA 95814

- 2. Within two weeks, the State will mail you a five-page form called Information Questionnaire. You will have 45 days from the time you receive it to complete it and, once again, mail to the State Board of Control. Our experience has shown that filling this form out completely will speed up the processing time. The State may take from six to nine months before making a decision on your reimbursement. The State Board will only reimburse those expenses which can be verified (in writing or over the phone).
- 3. The Information Questionnaire looks more complicated than it is. Doctor bills, hospital bills, receipts for prescriptions, verification of insurance payments (or non-payments) W-2 or income tax returns should be sent in with the Information Questionnaire to speed up the processing. The State Board will only reimburse those expenses which can be verified (in writing or over the phone).
- 4. Before starting this section, you should have the Information Questionnaire in your hand.

Page 1: Fill in your name as applicant and your name as victim. If you were not the victim, fill in the victim's name, Social Security number, and telephone number.

If you are planning a civil suit, mark the box "Yes". If not, mark "No". Many times putting down "suspect not apprehended" or "suspect has no assets" is sufficient.

Put down your marital status (e.g., single, married, divorced, widow). Write down the people who you directly support, their relationship to you (son, daughter, mother, etc.) and their age.

Because one of the clauses in the law states the crime had to cause "serious financial hardship", you should list your monthly outgo (such as cost of food, utilities, transportation, insurance, installment loan payments, etc.). Total that amount up on the first page under "other obligations affecting financial status, explain under comments".

Page 2: If you are not applying for lost wages, you need not fill out this page.

If you are filing for lost wages, you need to compute your yearly gross wage, then deduct for tax liability according to the attached table. Then deduct this from your yearly wage. Calculate your lost time and multiply it by your rate of pay.

Deduct any sick pay, vacation pay or state disability, and workman's compensation from the loss.

The amount remaining should be your reimbursement for lost wages. (See example)

Page 3: List on this page the names, addresses, and phone numbers of all the providers of medical service (Again, be sure to include copies of your bills or receipts).

Page 4: This is the asset page. It asks you to list the description, location, date purchased, purchase price, and present equity of any assets: cars, stocks, houses, etc.

List also your checking and savings account, name of bank, branch, and account number.

If you receive Social Security or other pensions, list that amount per month.

Be sure to sign the fourth and fifth pages.

For assistance in completing, feel free to call us at 552-6550.

MIDDLESEX COUNTY DISTRICT ATTORNEY'S OFFICE  
CAMBRIDGE DISTRICT  
VICTIM/WITNESS ASSISTANCE PROJECT

Chapter 258A Mass. Law

Compensation of Victims of Violent Crime

1. Eligibility

- a. Crime must involve use or threatened use of force or violence and victim must suffer injury or death as a direct result of crime.
- b. In case of death, a dependent can file but must not be through blood or relationship close to offender.
- c. Claimant must have \$100.00 of out of pocket nonreimbursable loss, or have lost at least two (2) continuance weeks of earning or support (section 5).

2. Procedure

- a. Claim filed in Clerk's office of District Court where claimant lives (section 2).
- b. Failure to prosecute or successfully prosecute shall not prejudice claim, unless failure due to provocation of offender by victims.
- c. Claim filed by eligible person with \$5.00 filing fee.
- d. Must be filed within one year of incident, if death then within ninety (90) days after death, whichever is earlier.
- e. Clerk will notify attorney General who investigates and reports to Judge on a date set by clerk.
- f. Claimant must submit all medical reports; court may appoint physician.
- g. Claimant can be represented by counsel; court will award attorney's fee up to 15% of award.

Victim's Compensation

3. Elements before Court

- a. Crime committed.
- b. Crime committed directly resulted in injury or death of victim.
- c. Crime must be reported to police within 48 hours of occurrence.
- d. Compensation "shall be in an amount not exceeding out-of-pocket losses, together with loss of earnings or support resulting from such injury."
- e. Maximum award is \$10,000; however, court must consider insurance, welfare, or other payments. Such payments shall be subtracted from loss not from award, see Gurley v. Commonwealth, 296 N.E. 2d 477 (1971).
- f. Whether victim contributed to his injury.

APPENDIX H

SAMPLE LETTERS FROM POLICE DEPARTMENTS  
TO VICTIMS: SAN RAFAEL, CALIFORNIA;  
PASADENA, CALIFORNIA; NOVATO, CALIFORNIA;  
SAN DIEGO, CALIFORNIA; AND LOS ANGELES  
CALIFORNIA.



FIFTH AVE, SAN RAFAEL, CALIF 94902/PHONE: (415) 456-1112

Refer Case No. \_\_\_\_\_

You are being advised that if you sustained physical injury as a direct result of a crime of violence, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime of violence, or, in the event of a death caused by a crime of violence, you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, you may qualify for indemnification by the State of California for the out-of-the-pocket wages, medical and/or burial expenses which you have incurred as a result of the crime.

Sections 13959 et. seq., of the California Government Code has established a program to indemnify and assist in the rehabilitation of residents of California who have, as a direct result of a crime, suffered a pecuniary loss which they are unable to recoup without suffering serious financial hardship.

Claims must be filed within one (1) year of the date of the injury with the State Board of Control for the State of California.

For further information regarding this program, please contact:

Victims of Violent Crimes Liaison Officer  
 San Rafael Police Department  
 1400 Fifth Avenue  
 San Rafael, California 94902.  
 Telephone: (415) 453-2832

or

Victims of Violent Crime Program  
 State Board of Control  
 State Office Building No. 1, Rm. 102  
 Sacramento, California 95814  
 Telephone: (916) 445-1540

Very truly yours,

FRANK R. BENADERET  
 Chief of Police



MEMORANDUM—CITY OF PASADENA

-143-

To: Section Commanders

Date: December 8, 1978

From: Commander Wilson


Re: Compensation For  
Victims of Violent Crimes

Due to recent legislative changes the following procedures are to be implemented immediately in dealing with victims of violent crimes:

1. The state indemnification blank at the bottom of the Crimes Against Person's Report must be initialed and dated. This indicates that the victim has been advised of the compensation available and is required prior to approval of a report by a supervisor.
2. Victims of violent crimes are to be provided a copy of the attached form advising them of compensation available (these forms are available from the department program coordinator).
3. One additional copy of the entire Police Report shall be directed to the Crimes Against Person's Sergeant who is the department program coordinator for victims of violent crimes.

These procedures are mandated by the California government code and must be expressly followed. If the victims of violent crimes need additional information, have them contact the department program coordinator, Sergeant Ray McCray, by telephone at 577-4521.

Violent crimes would be classified as Crimes Against Persons involving serious injury. This would also include hit and run accidents, driving under the influence of alcohol/drugs which results in serious injury, and fleeing the scene of a violent crime which results in a serious injury.

  
WILLIAM R. WILSON, Commander  
Uniform Division

WRW:RPE:se

cc: Planning & Research

attachment



# CITY OF NOVATO

POST OFFICE BOX 578  
NOVATO, CA. 94947  
PHONE (415) 897-4361  
POLICE DEPARTMENT

Refer Case No. \_\_\_\_\_

You are being advised that if you sustained physical injury as a direct result of a crime of violence, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime of violence, or, in the event of a death caused by a crime of violence, you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, you may qualify for indemnification by the State of California for the out-of-the-pocket wages, medical and/or burial expenses which you have incurred as a result of the crime.

Sections 13959 et. seq., of the California Government Code establishes a program to indemnify and assist in the rehabilitation of residents of California who have, as a direct result of a crime, suffered a pecuniary loss which they are unable to recoup without suffering serious financial hardship.

Claims must be filed within one (1) year of the date of the injury with the State Board of Control for the State of California.

For further information regarding this program, or assistance in filing the enclosed forms, please contact:

Lt. Raymond M. Hill, III  
Novato Police Department  
905 Sherman Avenue  
Novato, California 94947  
Telephone: (415) 897-4361

or

Holli I. Ploog, Director  
Victim/Witness Assistance Division  
Marin County District Attorney's Office  
Civic Center  
San Rafael, California 94901  
Telephone: (415) 479-1100, Ext. 3036

Very truly yours,

J. C. Coleman  
Chief of Police

*Raymond M. Hill III*

By: Victims of Violent Crime



CITY OF

-145-

# SAN DIEGO

POLICE DEPARTMENT • 801 WEST MARKET STREET • SAN DIEGO • CALIFORNIA 92101  
(714) 236 6566

OFFICE OF THE  
CHIEF OF POLICE

IN REPLYING  
PLEASE GIVE  
OUR REF. NO.

15.43

## To Whom It May Concern:

If you have sustained physical injury as a direct result of a crime of violence, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime of violence, or, in the event of a death caused by a crime of violence, you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, you may qualify for indemnification by the State of California for the out-of-pocket wages, medical and/or burial expenses which you have incurred as a result of the crime. Section 13959 et seq. of the Government Code has established a program to indemnify and assist in the rehabilitation of residents of California who have, as the direct result of a crime, suffered a pecuniary loss which they are unable to recoup without suffering serious financial hardship. Claims must be filed with the State Board of Control for the State of California.

For further information regarding this program, please contact:

Sergeant J. D. Moody  
Sex Crimes Detail  
801 West Market Street  
San Diego, California 92101  
Telephone: 236-6598

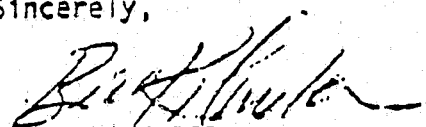
or

Margaret Douglas  
City Community Relations  
2210 Fourth Avenue  
San Diego, California 92101  
Telephone: 239-9341

or

Victims of Violent Crime Program  
State Board of Control  
State Office Building No. 1, Room 102  
Sacramento, California 95814  
Telephone: (916) 445-1540

Sincerely,

  
W. B. KOLENDER  
Chief of Police

# Learn to protect yourself JOIN Neighborhood Watch

**1** SPONSOR A NEIGHBORHOOD WATCH MEETING  
Neighborhood Watch is a self-help crime prevention program created by the Los Angeles Police Department to assist you and your neighbors in preventing crime.

This is how it works . . . you invite your neighbors and friends into your home. Officers who patrol your neighborhood will visit your home to discuss the crime in your area and what you can do to prevent it. For additional information phone:

TEAM \_\_\_\_\_ PHONE \_\_\_\_\_

**2** REQUEST A SECURITY SURVEY OF YOUR HOME OR BUSINESS

At your request, an employee of the Los Angeles Police Department will visit your home or business to point out areas vulnerable to burglary and steps you can take to secure them. This service is provided FREE by your Los Angeles Police Department. For a security survey, phone: 485-3134.

DON'T DELAY . . . CALL TODAY

## VICTIM INDEMNIFICATION INFORMATION

"If you have sustained physical injury as a direct result of a crime of violence, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime of violence, you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, you may qualify for indemnification by the State of California for the out-of-pocket wages, medical and/or burial expenses which you have incurred as a result of the crime. Section 13959 et seq. of the Government Code has established a program to indemnify and assist in the rehabilitation of residents of California who have, as the direct result of a crime, suffered a pecuniary loss which they are unable to recoup without suffering serious financial hardship. Claims must be filed with the State Board of Control for the State of California."

Copies of indemnification application, B C Form 1-D, can be obtained at any Los Angeles Police station.

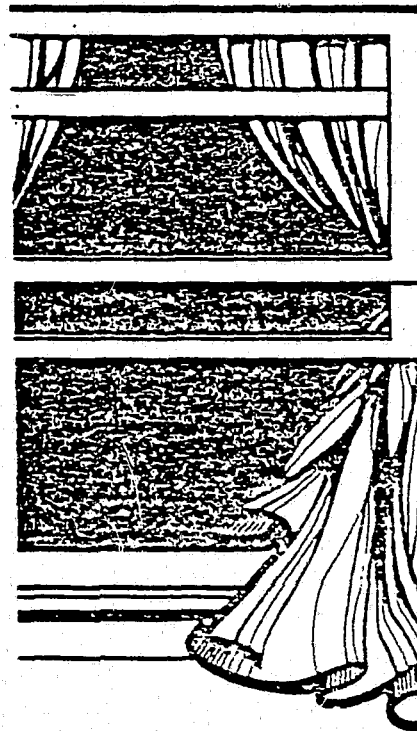
For further information regarding this program, please contact: Victims of Violent Crime Liaison Officer  
Los Angeles Police Department  
150 North Los Angeles Street, Room 210  
Los Angeles, California 90012  
Telephone (213) 485-2603

or  
Victims of Violent Crime Program  
State Board of Control  
State Office Building No. 1, Room 102  
Sacramento, California 95814  
Telephone (916) 445-1540

"IMPORTANT: The statute provides that, absent certain extenuating circumstances, a claimant has one year from the date of the crime to file his claim with the State Board of Control."  
TEMP. #75 (3-77)

## Los Angeles Police Department VICTIM'S REPORT MEMO

|   |                |          |
|---|----------------|----------|
| VICTIM'S NAME (firm name, if business)  |                |          |
| TYPE OF REPORT  | DATE OF REPORT |          |
| ARTICLES HELD FOR INVESTIGATION OR AS EVIDENCE  |                |          |
| OFFICER   | SERIAL NO.     | DIVISION |
| To give additional information concerning this report, call the<br>DESK OFFICER at:   |                |          |
| Promptly report recovery of property if recovery was made by other than this Department. If missing persons are located, please notify this Department. With exception of recovered vehicles, notification may be made by phone.  |                |          |
| If a stolen vehicle is recovered other than through this Department, you must make a signed report immediately.<br><b>FAILURE TO REPORT A RECOVERED VEHICLE IS A VIOLATION OF SECTION 10502 OF THE CALIFORNIA VEHICLE CODE.</b>   |                |          |
| If a copy of this crime report is needed for insurance purposes, you may obtain a copy by mail. Send a check or money order in the amount of \$5.50, payable to the Los Angeles Police Department, to: Records & Identification Division, Box 30158, Los Angeles, Calif. 90030. |                |          |
| Include the following information with your request:  |                |          |
| 1. Name and address of the victim(s).   |                |          |
| 2. Type of report and report DR number, if available.   |                |          |
| 3. Date, time, and location of the occurrence.  |                |          |
| Your copy of the report will be mailed to you when it is available for release (about 5 days after report was made).  |                |          |
| <b>KEEP THIS MEMO FOR REFERENCE</b>   |                |          |
| (OVER)  |                |          |



- ROBBERY
- BURGLARY
- RAPE
- ASSAULT
- THEFT
- VANDALISM
- BUNCO
- FORGERY
- AUTO THEFT

# I never thought it could happen to me

APPENDIX I

NEW YORK STATE CRIME VICTIMS COMPENSATION BOARD:

UNIT FOR THE ELDERLY

The following statement has been excepted from the proposal for the recently established Unit for the Elderly within the Crime Victim Compensation program in New York, to serve the New York City area. A grant was made in the amount of \$50,000 by the New York State Division of Criminal Justice Services.

A high incidence of elderly cases cannot be resolved and are turned down due to the failure to furnish sufficient information. A disproportionate share of decisions rendered, approximately 38%, are rejected for lack of cooperation. While it is currently not possible to determine how many of these claims would have resulted in an award had they been completed, it is a matter of grave concern to the Crime Victims Compensation Board that a significant number of elderly victims may be losing compensation that the law would entitle them to for non-substantive reasons. The cause of this situation is the inability of many elderly victims to properly complete claim forms.

\*\*\*

Although we realized there was a high percentage of elderly claims being disallowed for lack of cooperation, a study was implemented to determine the specific number of those claims where a decision was rendered and the number of those decisions that disallowed the claims for lack of cooperation. During the period from August 1, 1978 - October 31, 1978, there were 329 decisions on claims filed by persons 60 and older, 128 or 38% of those decisions were disallowed for lack of cooperation.

\*\*\*

Additionally, the Board has determined the police are not adequately fulfilling their legal mandate to inform all victims that they may be entitled to benefits under the Crime Victims Compensation Law. By allocating \$12,620.54 from the Grant for the purchase of stamps, the Board will establish a procedure with the police whereby the police will mail claim forms to potentially eligible claimants with whom they come in contact.

\*\*\*

The inability of many elderly victims to supply necessary information and documentation to complete the processing of the claims is the prime factor of the problem. And while the Crime Victims Compensation Board has taken steps to treat the claims of the elderly on a preferential basis, including an extra time allowance to enable volunteers to contact elderly victims to assist them in completing forms, the full dimension of the problem can only be addressed with additional resources. The use of volunteers while sometimes helpful, is not consistent or frequent enough to be dependable. There are only fourteen investigators employed to handle 6,000 claims per year. The caseload precludes the assignment of staff to provide the special attention that is required by cases involving the elderly.

\*\*\*

The heavy caseload handled by our investigative unit does not provide for necessary special treatment for the elderly.

\*\*\*

620,000 households are headed by persons sixty-five and over with a median income of \$3,899 per household based on a 1970 census. Given a low level of income, the impact of losses is especially devastating on the elderly, to the extent that many live on fixed incomes. The loss of even a few dollars can amount to a substantial portion of their weekly income and the theft of a pension or social security check or suffering medical expenses or loss of earnings due to injuries sustained in a crime, can literally imperil their survival. Furthermore, given their vulnerability, social isolation and limited mobility, the elderly are prime targets for crime to deprive them of what money they have.

\*\*\*

The Crime Victims Compensation Board is now performing the function of investigating and assisting victims who are injured as a result of a crime and therefore, there are existing facilities to accommodate and assist the "Unit for the Elderly".

\*\*\*

[The goals of the project are to] (1) substantially reduce the number of elderly claims disallowed for failure to cooperate by providing additional investigators to further investigate and assist elderly claimants with their claims, thereby substantially reducing the number of claims that would otherwise be disallowed; (2) Provide "Unit for the Elderly" in instances where special handling of the case is required in order to satisfactorily

complete the investigation in 100% of the cases when the claimant cooperates with the investigation.

\*\*\*

Task I:

A. The Unit for the Elderly's specific task to be accomplished would be the reduction of disallowed claims involving the elderly where the claim was disallowed for lack of cooperation.

B. Investigations and assistance will be performed from the offices of the Crime Victims Compensation Board as well as from the field.

C. Two investigators will be assigned to the investigations as well as assisting in completing the necessary forms.

D. This task can be accomplished as long as the necessary funding exists.

\*\*\*

The personnel [investigators] will have one specific task and that would be providing preferential investigation assistance to elderly claimants. The Crime Victims Compensation Board will be responsible for administration and results of the Unit for the Elderly. The Crime Victims Compensation Board will act in the capacity as the primary agency dispersing all clerical duties and expenses incurred as the result of the Unit for the Elderly efforts. The Unit of the Elderly will have access to police, hospital, employment and other related organizations in fulfilling its goal.

\*\*\*

1. When a decision is made on a claim filed by persons sixty and over it will be duly noted and recorded for the fiscal year April 1, 1979, March 31, 1980.
2. When a decision is made on claim by persons sixty and over and has been disallowed for lack of cooperation, except when the claimant refuses help from our investigators, it will be duly noted and recorded for the fiscal year April 1, 1979 - March 31, 1980.
3. The recorded statistics before the project begins together with the recorded statistics after the project begins, can then be compared and analyzed.

APPENDIX J

SAMPLE INTERROGATORIES AND VICTIM RESPONSES  
USED BY THE VICTIM COMPENSATION PROGRAM,  
COMMONWEALTH OF MASSACHUSETTS, THIRD DISTRICT  
COURT OF EASTERN MIDDLESEX



-151-  
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS:

THIRD DISTRICT  
COURT OF EASTERN  
MIDDLESEX  
No. 13 of 1978

|   |   |  |
|---|---|--|
| <p style="text-align: center;">Plaintiff</p>                                    | * |  |
|   | * |  |
| vs.   | * | <p><u>PLAINTIFF'S ANSWERS TO</u><br/><u>INTERROGATORIES PROPOUNDED</u><br/><u>BY THE DEFENDANT</u></p> |
| <p style="text-align: center;">COMMONWEALTH OF MASSACHUSETTS,<br/>Defendant</p> | * |  |
|   | * |  |
|   | * |  |

1. Please state your full name, date of birth, residence address, occupation, social security number and business address.
  
2. Describe fully and completely how you were injured including as part of your answer the date, place, time and a description of the incident which caused you to be injured.
  
2. On June 12, 1978, I was brutally assaulted and raped at approximately 9:30 p.m. in Cambridge, Massachusetts.
  
3. If there were any witnesses to the alleged crime, please so state, giving their names and addresses.
  
3. There are no eye witnesses to the actual crime. However, the incident was reported to the police by people who heard the crime being committed.
  
4. If you are able to identify the alleged offender, please so state giving name and address.
  
4.    presently incarcerated at Walpole State Prison, Walpole, Massachusetts.
  
5. If the crime was reported to a police department, please state:
  - a) who reported the offense?
  - b) the date the offense was reported?
  - c) to which police department was the offense reported?

5.
  - a) the offense was reported by people who heard the crime taking place.
  - b) the offense was reported on June 12, 1978.
  - c) the offense was reported to the Cambridge Police Department.
6. Were you working in the course of your employment at the time that you were injured?
6. Yes.
7. With reference to your injuries, please state:
  - a) the dates and time when you were absent from work on account of the injuries suffered;
  - b) the name and address of your employers, if self-employed, describe fully the nature of your occupation and usual place of business;
  - c) the total amount of earnings lost as a result of your absence from work.
  - d) did you receive any income whatsoever from your employer or if you are self-employed from your business on account of or during your absence from work; if so, please explain.
7.
  - a) June 12, 1978 to September 15, 1978.
  - b) Self-employed as graphic artist. Usually working as an independent contractor for various business establishments.
  - c) \$3,900
  - d) No
8. With reference to your injuries, please state:
  - a) the nature and extent of your injuries;
  - b) the names and addresses of your physicians or physician;
  - c) the date and nature of each treatment;
  - d) the amount of physicians' bills and charges;
  - e) if you required X-rays, please state the date thereof;
  - f) if you required treatment at a hospital, please state the name and address of the hospital, date of admission, date of discharge, treatment received and the total amounts of the hospital bill;
  - g) if you received out-patient treatment at a hospital, please state the dates of treatment, and the total amount of the hospital or clinic bill thereof.
  - h) if you required dental treatment, please state:
    - (a) the name and address of your dentist, dates of treatment, treatment received and the total amount of the dentist's bill.
  - i) please state what was paid on account of each of the foregoing bills and the dates of payment.

8. a) Skull fracture; facial bone fractures; double vision and forceable rape.  
b) '  
c) Various dates from June 12, 1978 to September 26, 1978.  
d) Physician's bill in the amount of \$735, anesthesiologist bill in the amount of \$170.10, and hospital bill in the amount of \$2,269.12.  
e) X-rays taken at hospital.  
f) Mount Auburn Hospital - nine days - June-12th through June 20, 1978.  
g) I received out-patient treatment from the Doctor at the hospital.  
h) Not required.  
i) No payments have been made.

9. Please list all out-of-pocket expenses, including drugs, and nursing expenses that you incurred.

9. Please see answer to 8(d).

10. Please list all reimbursements that you received or that you may receive, or that was paid in your behalf on account of lost wages, medical and other expenses, from public or private insurance programs, such as Workmen's Compensation, Blue Cross, Blue Shield, Life and Accident and Health Insurance or from union and fraternal organizations or from Welfare or the Veterans' Administration, giving the dates of receipt, the amounts received and from whom the monies were received.

10.. I received \$89 on a bi-weekly basis for 13 weeks from the Welfare Department.

11. Did you receive any monies from or on behalf of the offender (alleged criminal)?

11. No

12. If you are related to the offender, please state your relationship.

12. Not required.

13. Have you ever lived with or been married to the offender?

13. I have never lived with nor been married to the offender.

SIGNED under the pains and penalties of perjury this day of December, 1978.

APPENDIX K

HARTWAY v. STATE BOARD OF CONTROL

69 C.A. App. 3d 502; 137 Cal. Rptr. 199 (1976)

The following California case concerns the issue of who has responsibility for informing victims about the victim compensation program. The court ruled that the Oakland Police Department, by law, must provide the claim forms to victims. The victims' claim was filed late--more than a year after the incident--and the State Board of Control denied them for late filing without good cause. The court further ruled that the application must be reconsidered by the Board of Control because the police department failed to provide the application forms.

In a mandamus proceeding involving the denial, by the State Board of Control, of the indemnification claims of the victims of a crime on the ground that the claims were not filed within the required one-year period for filing, the trial court found that the board had done nothing to mislead the victims into not filing their claims and denied the peremptory writ. (Superior Court of Alameda County, No. 458332-7, William H. Brailsford, Judge.)

The Court of Appeal reversed and remanded the cause with directions to issue the peremptory writ. The court held that, with respect to the provisions of former Gov. Code, §§ 13960-13966 (which provided for the indemnification of the victims of crimes), the board was legally in privity with the city police department that had investigated the crime in question, and, because the city police department had failed to provide indemnification claims forms to the victims, the board was estopped to deny the claims of the victims. (Opinion by The Court.)

#### OPINION

**THE COURT.\***—The facts in the matter before us are not in dispute. Therefore, the question of whether respondent State Board of Control should be estopped from denying appellants' claim for indemnification

under then sections 13960-13966 of the Government Code<sup>1</sup> on the basis that said claims were not filed in compliance with the one-year filing requirement is one of law. (*Crumpler v. Board of Administration* (1973) 32 Cal.App.3d 567, 581 [108 Cal.Rptr. 293].)

(1a) It is not contested that the Oakland Police Department failed to advise appellants of the victims of crime legislation. Respondents argue that "nothing respondent State does depends at all upon the actions of the Oakland Police Department. The police department and the State are not in privity . . ." The statute and case law belie respondents' argument. The policy regarding indemnification of private citizens who are victims of crimes was, at the time of the events which occurred here, set forth in section 13960—"it serves a public purpose, and is of benefit to the state, to indemnify those needy residents of the State of California who are victims of crimes committed in the State . . ." Subdivision (a) of section 13965 placed an obligation on the law enforcement agency investigating the crime to provide forms to each person "who may be eligible to file a claim pursuant to this chapter." Subdivision (b) of the same section required the investigating law enforcement agency to notify respondent board of the failure of claimants to cooperate with the investigation, and section 13963 permitted the board to deny a claim where information of noncooperation had been furnished to it.

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\*Before Taylor, P. J., Kane, J., and Rouse, J.

The failure of the Oakland Police Department to provide claim forms is a valid basis upon which estoppel may be asserted. While the trial court found that "[r]espondents did nothing to mislead [appellants] into not filing their claim . . . within one year," "[w]hen one is under a duty to speak, and has an opportunity to do so, knowing the circumstances require it, an estoppel may arise from his silence. [Citation.]" (*Lucas v. Board of Trustees* (1971) 18 Cal.App.3d 988, 993 [96 Cal.Rptr. 431], hg. den.) (2) An estoppel binds not only the immediate parties to the transaction but those in privity with them. (*Lerner v. Los Angeles City Board of Education* (1963) 59 Cal.2d 382, 397 [29 Cal.Rptr. 657, 380 P.2d 97].) A public agency may not avoid estoppel by privity on the ground the conduct giving rise to estoppel was committed by an independent public entity. (*Id.*, at pp. 398-399; *Crumpler, supra*, 32 Cal.App.3d at pp. 582-583.)

(1b) Under the circumstances here present, we hold that respondents are estopped to deny appellants' claim. (3) Estoppel may be invoked against a governmental agency where " "justice and right" " require it. (*Id.*, at p. 581.) It is abundantly clear that the purpose of the statute is achieved by the result we have reached. We note also that the result is in harmony with the victims of crime legislation, operative July 1, 1974 (Stats. 1973, ch. 1144, § 2, p. 2348), and subdivision (c) of section 13961 therein which provides that the State Board of Control may grant an extension of the one-year filing period.

The order appealed from is reversed and the cause remanded with directions to issue the peremptory writ of mandate.

APPENDIX L

SAMPLE LEGISLATIVE BILLS TO ESTABLISH  
A STATEWIDE OFFICE OF VICTIM ASSISTANCE:  
FLORIDA, MARYLAND, AND PENNSYLVANIA

(FLORIDA)

Proposed Committee Bill #11

A bill to be entitled

An act establishing the Statewide Victim-Witness Coordinating Office; amending section 25.154, Florida Statutes; authorizing the Bureau of Criminal Justice Assistance to employ an executive director and other necessary personnel; providing guidelines; authorizing the Florida Council on Criminal Justice to create a Task Force on Victim-Witness Assistance; providing funding with an appropriation from the block grant matching trust fund as provided in section 943.25, Florida Statutes, and authorizing the office to seek and accept additional funds; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 25.154, Florida Statutes, is amended to read:

25.154 Bureau of Criminal Justice Assistance; Statewide Victim-Witness Coordinating Office

(3) There is created within the Bureau of Criminal Justice Assistance the Statewide Victim-Witness Coordinating Office.

(4) The bureau shall be authorized to employ an executive director for the office and such other personnel as may be necessary to coordinate a statewide victim-witness program.

(5) The office shall develop standardized procedures to be used by local victim-witness programs in order to improve cooperation between victims, witnesses, and law enforcement agencies as well as provide more sensitive treatment of vic-



1 tims and witnesses. The office shall promote the permanent  
2 integration of victim-witness programs in the state by helping  
3 to generate local, state, and federal support. The office, in  
4 conjunction with local victim-witness programs, shall conduct  
5 statewide training seminars for law enforcement agencies, pro-  
6 secutors, judges, social service agencies, and others in need  
7 of skills in victim-witness crisis intervention. The office  
8 shall develop and suggest cost effective techniques to law  
9 enforcement agencies, courts, and prosecutors, so that time and  
10 cost losses are reduced to a minimum for medical, police, and  
11 civilian witnesses. The office shall evaluate local victim-  
12 witness programs and make such suggestions as may be necessary  
13 to improve the quality of local programs. The office shall  
14 conduct public education workshops in order to inform the pub-  
15 lic of the needs of victims and witnesses.

16 (6) The Florida Council on Criminal Justice shall cre-  
17 ate the fifteen (15) member Task Force on Victim-Witness Assis-  
18 tance which shall advise the office and act as its advocate.  
19 The task force shall include: three (3) statewide victim-wit-  
20 ness coordinators; one (1) member of the Crime Compensation  
21 Commission; either the Governor or the Attorney General; one  
22 (1) legislator; one (1) member of the Florida Police Chief's  
23 Association; one (1) member of the Florida Sheriff's Associa-  
24 tion; one (1) member of the Florida Prosecuting Attorney's  
25 Association; one (1) member of the Probation and Parole Commis-  
26 sion; one (1) judge; one (1) physician; one (1) psychologist;  
27 one (1) criminologist; and one (1) educator.

28 (7) The operation of the office shall be exclusively  
29 funded with an appropriation from the block grant matching  
30

1 trust fund under the Administration of the Bureau of Criminal  
2 Justice Assistance as provided in section 943.25, Florida  
3 Statutes. The office shall be funded up to \$100,000 as needed  
4 to provide the required state match to obtain Law Enforcement  
5 Assistance Administration (LEAA) funding. The office may seek  
6 and accept grants, funds, or gifts from any source, public or  
7 private, federal, state or local, to supplement its operation  
8 and defray the expenses incurred in the operation and implemen-  
9 tation of this act.

10 Section 2. This act shall take effect upon becoming a  
11 law.

HOUSE OF DELEGATES

91r0a7c

No. 632

2700-00000

-----  
 By: Delegate Young 26  
 Introduced and read first time: February 1, 1979 28  
 Assigned to: Constitutional and Administrative Law 30  
 ----- 32

A BILL ENTITLED 35

AN ACT concerning 39

Office of Crime Victims Advocate 42

FOR the purpose of creating an office of crime victims 46  
 advocate in the Executive Department and assigning 47  
 certain functions, powers, and duties to that office.

BY adding 49

New Article 26B - Crime Victims Advocate Act 52  
 Section 1 through 3 54  
 Annotated Code of Maryland 56  
 (1973 Replacement Volume and 1978 Supplement) 57

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 60  
 MARYLAND, That section(s) of the Annotated Code of Maryland 61  
 be repealed, amended, or enacted to read as follows:

ARTICLE 26B - CRIME VICTIMS ADVOCATE ACT 64

1. 67

THE LEGISLATURE RECOGNIZES THAT MANY INNOCENT PERSONS 70  
 SUFFER PERSONAL INJURY OR DEATH AS A RESULT OF CRIMINAL 71  
 ACTS AND FURTHER UNDERSTANDS THAT THE CRIMINAL ACTS MAY FIND 72  
 OR LEAVE THE VICTIMS UNABLE TO COPE WITH THE MANY BODIES  
 AND AGENCIES NECESSARY TO HASTEN THEIR RECOVERIES. THE 73  
 LEGISLATURE THEREFORE, FINDS AND DETERMINES THAT THERE IS A 74  
 PRESSING NEED FOR A GOVERNMENTAL AGENCY TO AID THE VICTIMS  
 IN OBTAINING THE MEDICAL, LEGAL, AND ECONOMIC HELP NECESSARY 75  
 BECAUSE OF INJURIES SUSTAINED. ACCORDINGLY, IT IS THE 77  
 INTENT OF THIS LEGISLATURE THAT GUIDANCE, AID, AND SUPPORT  
 BE SUPPLIED TO VICTIMS OF CRIME IN PROCEEDINGS BEFORE THE 78  
 STATE CRIMINAL INJURIES COMPENSATION BOARD, BEFORE THE 80  
 COURTS AS TO SUCH CRIMES AND THE ALLEGED PERPETRATORS, AND, 81  
 GENERALLY, IN ATTEMPTING TO RECOVER FROM THE EFFECT OF THOSE 82  
 CRIMES.

2. 84

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 EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
 [Brackets] indicate matter deleted from existing law.  
 Numerals at right identify computer lines of text.

2

HOUSE BILL No 632

FOR THE PURPOSE OF THIS ARTICLE:

(A) "CRIME" MEANS AN ACT COMMITTED BY ANY PERSON IN THE STATE OF MARYLAND WHICH WOULD CONSTITUTE A CRIME AS DEFINED IN ARTICLE 27 OF THE ANNOTATED CODE OF MARYLAND (1967 REPLACEMENT VOLUME) OR AT COMMON LAW, PROVIDED, HOWEVER, THAT NO ACT INVOLVING THE OPERATION OF A MOTOR VEHICLE WHICH RESULTS IN INJURY SHALL CONSTITUTE A CRIME FOR THE PURPOSE OF THIS ARTICLE UNLESS THE INJURIES WERE INTENTIONALLY INFLICTED THROUGH THE USE OF A VEHICLE.

(B) "OFFICE" MEANS THE OFFICE OF CRIME VICTIMS ADVOCATE.

(C) "VICTIM" MEANS A PERSON WHO SUFFERS PERSONAL PHYSICAL INJURY OR DEATH AS A DIRECT RESULT OF CRIME.

3.

THERE IS A CRIME VICTIM BILL OF RIGHTS WHICH ASSURES THE RIGHT OF THE VICTIM TO BE ADVISED OF SERVICES AND RESOURCES AVAILABLE TO HIM, RECEIVE EMERGENCY AID, RECEIVE JOB PROTECTION WHILE SERVING AS A WITNESS, AND BE ASSURED OF TIMELY FINANCIAL ASSISTANCE FROM THE STATE CRIMINAL INJURIES COMPENSATION BOARD.

4.

THERE IS IN THE EXECUTIVE DEPARTMENT THE OFFICE OF CRIME VICTIMS ADVOCATE. THE HEAD OF THE OFFICE IS THE CRIME VICTIMS ADVOCATE, WHO SHALL BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, TO HOLD OFFICE AT THE PLEASURE OF THE GOVERNOR. HE SHALL RECEIVE AN ANNUAL SALARY AS PROVIDED IN THE STATE BUDGET.

5.

(A) THE OFFICE OF CRIME VICTIMS ADVOCATE, SUBJECT TO THE AUTHORITY OF THE GOVERNOR, HAS THE FOLLOWING FUNCTIONS, POWERS, AND DUTIES:

(B) TO ESTABLISH AND MAINTAIN AN OFFICE AND APPOINT A SECRETARY, CLERKS, AND SUCH OTHER EMPLOYEES AND AGENTS AS MAY BE NECESSARY, SUCH EMPLOYEES TO BE SUBJECT TO THE PROVISIONS OF ARTICLE 64A, TITLED MERIT SYSTEM, AND PRESCRIBE THEIR DUTIES;

(C) TO ESTABLISH AND MAINTAIN A PRINCIPAL OFFICE AND SUCH OTHER OFFICES WITHIN THE STATE AS IT DEEMS NECESSARY;

(D) TO ADOPT, PROMULGATE, AMEND, AND RESCIND SUITABLE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS AND PURPOSES OF THIS ARTICLE TO GUIDE, AID, AND ASSIST VICTIMS OF CRIME IN THEIR RECOVERY IN ACCORDANCE WITH THE INTENT OF THE LEGISLATURE EXPRESSED IN THIS ARTICLE;

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HOUSE BILL No. 632

3

(E) TO PROVIDE SERVICE TO VICTIMS IN THE LOCALITIES OF THE STATE; 132

(F) TO TAKE OR CAUSE TO BE TAKEN AFFIDAVITS OR DEPOSITIONS WITHIN OR WITHOUT THE STATE; 134  
135

(G) TO EXERCISE AND PERFORM SUCH OTHER FUNCTIONS, POWERS, AND DUTIES AS MAY FROM TIME TO TIME BE CONFERRED OR IMPOSED BY LAW; 137  
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(H) TO CONDUCT ANY INQUIRY PERTINENT OR MATERIAL TO THE DISCHARGE OF THE FUNCTIONS, POWERS, AND DUTIES IMPOSED BY LAW, AND THROUGH DESIGNATED MEMBERS OF THE STAFF, TO SUBPOENA WITNESSES, ADMINISTER OATHS, TAKE TESTIMONY, AND COMPEL THE PRODUCTION OF SUCH BOOKS, PAPERS, RECORDS, AND DOCUMENTS AS MAY BE RELEVANT TO ANY SUCH INQUIRY AND INVESTIGATION. IT IS NOT THE INTENT OF THIS SECTION TO IN ANY WAY IMPAIR THE RIGHTS OF THE VICTIM OR THE WITNESS OF CRIME; 140  
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(I) TO DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE FUNCTIONS, POWERS, AND DUTIES SET FORTH IN THIS ARTICLE; 147  
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(J) TO RENDER EACH YEAR TO THE GOVERNOR AND TO THE LEGISLATURE A WRITTEN REPORT OF ITS ACTIVITIES. 150  
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6. 153

IT IS SUGGESTED THAT THE OFFICE OF CRIME VICTIMS ADVOCATE INITIATE A 1-YEAR PILOT PROGRAM AT THE LOCAL LEVEL TO TEST VARIOUS TECHNIQUES FOR IMPLEMENTING A STATEWIDE PROGRAM FOR AIDING AND ASSISTING THE CRIME VICTIM. SUCH A PILOT PROGRAM SHOULD BE EVALUATED ON THE BASIS OF ITS EFFECTIVENESS IN SERVING THE VICTIM OF CRIME. A REPORT TO THE GOVERNOR AND LEGISLATURE AT THE END OF THE PILOT PROGRAM SHALL PROVIDE THE BASIS FOR CONSIDERATION OF A STATEWIDE PROGRAM FOR CRIME VICTIMS. 155  
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7. 163

(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE FOLLOWING PERSONS SHALL BE ELIGIBLE FOR AWARDS PURSUANT TO THIS ARTICLE. 165  
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(2) A VICTIM OF A CRIME. 168

(3) A SURVIVING SPOUSE OR CHILD OF A VICTIM OF A CRIME WHO DIED AS A DIRECT RESULT OF SUCH CRIME. 170  
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(4) ANY OTHER PERSON DEPENDENT FOR HIS PRINCIPAL SUPPORT UPON A VICTIM OF A CRIME WHO DIED AS A DIRECT RESULT OF THE CRIME. 173  
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(5) ANY PERSON WHO IS INJURED OR KILLED WHILE TRYING TO PREVENT A CRIME OR AN ATTEMPTED CRIME FROM 176  
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4

HOUSE BILL NO. 632

OCCURRING IN HIS PRESENCE OR TRYING TO APPREHEND A PERSON WHO HAD COMMITTED A CRIME IN HIS PRESENCE OR HAD, IN FACT, COMMITTED A FELONY. 178  
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(6) A SURVIVING SPOUSE OR CHILD OF ANY PERSON WHO DIES AS A DIRECT RESULT OF TRYING TO PREVENT A CRIME OR AN ATTEMPTED CRIME FROM OCCURRING IN HIS PRESENCE OR TRYING TO APPREHEND A PERSON WHO HAD COMMITTED A CRIME IN HIS PRESENCE OR HAD, IN FACT, COMMITTED A FELONY. 181  
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(7) ANY PERSON DEPENDENT FOR HIS PRINCIPAL SUPPORT UPON ANY PERSON WHO DIES AS A DIRECT RESULT OF TRYING TO PREVENT A CRIME OR AN ATTEMPTED CRIME FROM OCCURRING IN HIS PRESENCE OR TRYING TO APPREHEND A PERSON WHO HAD COMMITTED A CRIME IN HIS PRESENCE OR HAD, IN FACT, COMMITTED A FELONY. 186  
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(8) ANY PERSON WHO IS INJURED OR KILLED WHILE GIVING AID AND ASSISTANCE TO A LAW-ENFORCEMENT OFFICER IN THE PERFORMANCE OF HIS LAWFUL DUTIES OR TO A MEMBER OF A FIRE DEPARTMENT WHO IS BEING OBSTRUCTED FROM PERFORMING HIS LAWFUL DUTIES. 191  
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(B) A PERSON WHO IS CRIMINALLY RESPONSIBLE FOR THE CRIME UPON WHICH A CLAIM IS BASED OR AN ACCOMPLICE OF SUCH PERSON OR A MEMBER OF THE FAMILY OF SUCH PERSONS SHALL NOT BE ELIGIBLE TO RECEIVE AN AWARD WITH RESPECT TO SUCH CLAIM. 196  
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8. 200

TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, THE OFFICE OF CRIME VICTIMS ADVOCATE MAY REQUEST FROM ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, OR OTHER BUREAU OF THE STATE AND ITS POLITICAL SUBDIVISIONS, AND THE SAME SHALL PROVIDE, COMPENSATION ASSISTANCE, SERVICES, AND DATA TO ENABLE THE OFFICE PROPERLY TO CARRY OUT ITS DUTIES. 202  
203  
204  
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9. 208

THE RECORD OF A PROCEEDING BEFORE THE OFFICE SHALL BE A PUBLIC RECORD. ANY RECORD OR REPORT OBTAINED BY THE BOARD, THE CONFIDENTIALITY OF WHICH IS PROTECTED BY ANY OTHER LAW OR REGULATION, SHALL REMAIN CONFIDENTIAL SUBJECT TO THAT LAW OR REGULATION. 210  
211  
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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1979.. 215  
216

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 744

Session of 1979

INTRODUCED BY O'PAKE, REIBMAN, LLOYD, FUMO, ROSS, LEWIS AND HOWARD, .  
MAY 8, 1979

REFERRED TO JUDICIARY, MAY 8, 1979

AN ACT

1 Amending the act of August 22, 1953 (P.L.1344, No.383), entitled  
2 "An act relating to marriage; and amending, revising,  
3 consolidating and changing the law relating thereto,"  
4 increasing the fees for marriage licenses and providing for  
5 the disposition of the increased revenue from such fees.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 19, act of August 22, 1953 (P.L.1344,  
9 No.383), known as "The Marriage Law," is amended to read:

10 Section 19. Fees.--The fee to be charged by the clerk of the  
11 orphans' court in various counties for issuing a marriage  
12 license or declaration and for returns thereof to the Department  
13 of Health shall be [three] eight dollars, two dollars and fifty  
14 cents of which shall be for the use of the clerk of the orphans'  
15 court of the county wherein such license is issued, [and] fifty  
16 cents for the use of the Commonwealth and five dollars to fund  
17 the Office on Crime Victims. In addition, the clerk shall make  
18 the usual charge for affidavits. All monies collected by the  
19 said clerk for the use of the Commonwealth shall, on or before

1 the tenth day of the following month, be transmitted to the  
2 State Treasurer, to be placed in the General Fund for the use of  
3 the Commonwealth. All monies collected by the said clerk for  
4 funding the Office on Crime Victims shall, on or before the  
5 tenth day of the following month, be transmitted through the  
6 Department of Revenue to the State Treasurer to be deposited in  
7 the restricted revenue account established to fund the  
8 operations of the Office on Crime Victims.

9 Section 2. This act shall take effect in 60 days.



## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 745 Session of  
1979INTRODUCED BY O'PAKE, REIBMAN, LLOYD, FUMO, ROSS, LEWIS AND HOWARD,  
MAY 8, 1979

REFERRED TO JUDICIARY, MAY 8, 1979

## AN ACT

1 Amending the act of April 9, 1929 (P.L. 177, No. 175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," providing for the  
21 establishment and operation of an administrative office under  
22 the Governor to be known as the Pennsylvania Office on Crime  
23 Victims; imposing powers and duties; authorizing certain  
24 advisory boards and establishing a funding method for the  
25 expenses of such office.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. The act of April 9, 1929 (P.L. 177, No. 175), known  
29 as "The Administrative Code of 1929," is amended by adding

1 sections to read:

2 Section 478. Definitions Applicable to the Office on Crime  
3 Victims.--Insofar as the provisions of this act relate to the  
4 Office on Crime Victims, the following words and phrases when  
5 used in such provisions shall have the meanings given to them in  
6 this section:

7 "Crime." Any act committed in Pennsylvania which, if  
8 committed by a mentally competent responsible adult who had no  
9 legal exemption or defense, would constitute a crime as defined  
10 in and prescribed by Title 18 (Crimes and Offenses) of the  
11 Pennsylvania Consolidated Statutes or any other penal laws of  
12 the Commonwealth. Except for an injury that is the result of an  
13 intentional act, no other act involving the operation of a motor  
14 vehicle which results in injury shall constitute a crime for  
15 purposes of these provisions.

16 "Domestic violence program." A shelter or hotline  
17 organization which has as a primary program the provision of  
18 direct services such as advocacy, counseling, information,  
19 referrals, shelter facilities for victims of domestic violence,  
20 or a coordinating body for organizations which provide such  
21 direct services.

22 "Office." The Office on Crime Victims which shall be an  
23 administrative office established pursuant to section 478.1  
24 which shall be under the Governor and shall be responsible for  
25 coordinating programs and obtaining reliable and permanent  
26 sources of funds for domestic violence, rape crisis and  
27 victim-witness programs.

28 "Rape crisis program." An organization which has as its  
29 primary program the provision of direct services to victims of  
30 sexual assault including, but not limited to, crisis

1 intervention, information and referral and accompaniment through  
2 the medical, police and judicial system. The organization may  
3 also conduct educational programs on rape and sexual assaults on  
4 a community basis. The term also includes any coordinating body  
5 for organizations providing these services.

6 "Victim-witness program." A program whose advocates deal  
7 with victims and witnesses of crimes, insuring that their needs  
8 are served by offering assistance with problems which arise as a  
9 result of being a victim or witness to a crime. The direct  
10 services provided relate to social service referrals, reception  
11 centers, witness notification and appearance alert, restitution  
12 and compensation, witness intimidation, escort service,  
13 transportation and parking services, and employer intervention.  
14 The term also includes any coordinating body for organizations  
15 providing these services.

16 Section 478.1. Office on Crime Victims.--(a) There is  
17 hereby created a departmental administrative office under the  
18 jurisdiction of the Governor which shall be known as the Office  
19 on Crime Victims. The office shall be governed by a board of  
20 fifteen members who shall represent diverse geographical  
21 locations, be appointed on a nonpartisan basis and shall be  
22 representative of the population subject to the risk.

23 (b) (1) The governing board of the Office on Crime Victims  
24 shall be composed of fifteen members. Twelve members shall be  
25 appointed by the Governor as follows:

26 (i) three representatives who shall be administrators or  
27 providers from rape crisis programs;

28 (ii) three representatives who shall be administrators or  
29 providers from domestic violence programs;

30 (iii) three representatives who shall be administrators or

1 providers from victim-witness programs;

2 (iv) one representative of local law enforcement agencies;

3 (v) one representative of the medical profession; and

4 (vi) one representative from the Department of Public  
5 Welfare.

6 (2) The remaining three members shall be selected as  
7 follows:

8 (i) one member of the House of Representatives to be  
9 appointed by the Speaker;

10 (ii) one member of the Senate to be appointed by the  
11 President pro tempore of the Senate; and

12 (iii) one judge of the Court of Commor. Pleas to be appointed  
13 by the Chief Justice of the Supreme Court.

14 (c) Except for the member from the House of Representatives  
15 who shall serve a two-year term, all other members of the  
16 governing board shall serve for a three-year term of office and  
17 may be reappointed for no more than one consecutive term of  
18 office. Of the members initially appointed by the Governor, four  
19 shall serve for a term of one year, four shall serve for a term  
20 of two years and four shall serve for a term of three year

21 (d) Whenever any member ceases to be an officer or employe  
22 of the organization, office, or public body the member is  
23 appointed to represent, the membership on the governing board  
24 shall terminate immediately and the appointing power shall fill  
25 the vacancy for the unexpired portion of the term. All other  
26 vacancies shall be filled by the appointing power for the  
27 balance of the unexpired term.

28 (e) The chairperson shall be chosen from among the members  
29 of the governing board by a majority vote of such board and  
30 shall serve for one year. The chairperson shall designate a

1 vice-chairperson to preside at all meetings in the absence of  
2 the chairperson.

3 (f) Reasonable expenses incurred by the members for  
4 attendance at official meetings, not to exceed fifty dollars per  
5 day, and mileage at the rate provided by law shall be allowed  
6 and paid upon presentation of an itemized voucher.

7 (g) Eight members of the governing board shall constitute a  
8 quorum and a vote of the majority of the members present shall  
9 be sufficient for all actions.

10 Section 478.2. Purposes of the Office on Crime Victims.--The  
11 Office on Crime Victims shall be responsible for coordinating  
12 all programs utilized for providing assistance to victims of  
13 rape, domestic violence and other crimes and to assist the  
14 criminal justice system in securing witnesses who are willing to  
15 testify. It shall be the responsibility of the Office on Crime  
16 victims to secure a reliable and permanent source of funds for  
17 the operations of such organizations which today operate on  
18 unreliable public and private contracts and donations. The  
19 Office on Crime Victims shall also secure funds for any future  
20 organization which meets the criteria established by this act.

21 Section 478.3. Powers and Duties of the Office on Crime  
22 Victims.--The office shall have the power, and its duty shall  
23 be:

24 (1) To appoint, by a majority vote of the members of the  
25 governing board, an executive director to direct the day to day  
26 operations of the office and to hire, with the approval of the  
27 governing board and the Governor, sufficient staff to conduct  
28 the operations of the office. The salaries of the executive  
29 director and staff shall be fixed by the Executive Board.

30 (2) To establish, without any right to expense or mileage

1 payments, advisory boards to assist the board in the direction  
2 and operations of the Office on Crime Victims.

3 (3) To prepare and periodically update a Comprehensive Plan  
4 on behalf of the Commonwealth based on an analysis of the  
5 Commonwealth's criminal justice needs and problems as they  
6 relate to victims of crimes and witnesses to acts of crimes.

7 (4) To apply for, contract for, receive, allocate, disburse,  
8 and account for funds, grants-in-aid, grants of services and  
9 property, real and personal, as may be made available from the  
10 Federal Government and other sources.

11 (5) To receive applications for financial assistance from  
12 crime victim assistance programs sponsored or operated by units  
13 of local government or private nonprofit organizations and to  
14 disburse available Federal and State funds from the restricted  
15 revenue account to such applicants in accordance with the  
16 Comprehensive Plan.

17 (6) To establish such fund accounting, auditing monitoring,  
18 and evaluation procedures as may be necessary to assure fiscal  
19 control, proper management and disbursement of grant funds, and  
20 to establish such procedures as may be necessary to assure  
21 compliance with nondiscrimination requirements.

22 (7) To audit the books and records of recipients of  
23 financial assistance and of their contractors, and, for the  
24 purpose of such audits, to have access to all pertinent books  
25 and records required to be kept by recipients of financial  
26 assistance and by their contractors.

27 (8) To monitor and evaluate program effectiveness, funded in  
28 whole or in part by the Commonwealth through the board aimed at  
29 reducing or preventing victimization and improving the  
30 administration of justice as deemed appropriate, with respect to

1 victims and witnesses of violent crimes.

2 (9) To cooperate with and render technical assistance to the  
3 General Assembly or a standing committee of the General  
4 Assembly, State agencies, units of general local government and  
5 public and private agencies relating to victimization and its  
6 impact on the criminal justice system.

7 (10) To submit an annual report to the Governor and the  
8 General Assembly concerning its work during the preceding fiscal  
9 year.

10 (11) To promulgate such rules and regulations as the board  
11 deems necessary for the proper administration of this act.

12 Section 478.4. Duties of Public Agencies in Reporting of  
13 Statistics.--It shall be the duty of the projects funded by this  
14 office or working with victims of violent crimes (such as State  
15 and municipal police, county district attorney's offices, and  
16 medical facilities), when requested by the office:

17 (1) To install and maintain records and recording systems  
18 needed for the correct reporting of statistical data required by  
19 the board.

20 (2) To report statistical data to the office at such times  
21 and in such manner as the office prescribes.

22 (3) To give to the staff of the office access to the  
23 statistical data for the purpose of carrying out the duties of  
24 the office relative to criminal statistics.

25 Section 478.5. Confidentiality of Records.--Except as  
26 provided by Federal law, records maintained under these  
27 provisions shall be immune from legal process and shall not,  
28 without the consent of the person furnishing such information,  
29 be admitted as evidence or used for any purpose in any action,  
30 suit, or other judicial or administrative proceedings.

1 Section 474.6. Advisory Committees.--(a) The board shall  
2 establish an advisory committee for each of the program areas:  
3 rape, child, domestic violence and victim witness. The  
4 members of the committee shall represent diverse geographical  
5 locations and be representative of the population at risk.

6 (b) (1) To review and evaluate the problems and needs of  
7 crime victims and to provide the board with advice regarding the  
8 comprehensive plan.

9 (2) To review the State Comprehensive Plan.

10 (3) To recommend, review and evaluate rules and regulations  
11 of the Office on Crime Victims.

12 (4) To recommend, review and evaluate standards for the  
13 provisions of direct services to victims.

14 (5) To recommend the funding formula for allocation of funds  
15 to programs providing direct services or the coordinating body  
16 of these organizations.

17 Section 474.7. Funds.--(a) Where any person after the  
18 effective date of this act pleads guilty or nolo contendere to  
19 or is convicted of any crime as herein defined, there shall be  
20 imposed in addition to all other costs, an additional cost in  
21 the sum of ten dollars (\$10) for the purpose of funding the  
22 operation of this office. Under no condition shall a political  
23 subdivision be held liable for the payment of this sum of ten  
24 dollars (\$10).

25 (b) Any additional sums above and beyond the fee of three  
26 dollars (\$3) for marriage licenses as provided in the act of  
27 -----

28 (c) All sums collected pursuant to subsection (a) and (b)  
29 shall be paid through the Department of Revenue to the State  
30 Treasurer and shall be deposited in a restricted revenue account



1 created for this purpose and are hereby specifically  
2 appropriated for purposes of funding the operation and grants of  
3 the Office on Crime Victims.

4 Section 2. This act shall take effect July 1, 1979 or in 60 -  
5 days, whichever occurs later.

APPENDIX M

NEW YORK CITY DEPARTMENT FOR THE AGING:  
SECURITY SERVICES/CRIME PREVENTION ASSISTANCE  
PROGRAM

The following documents include a partial description of the program and selected processing forms.

N. Y. C. DEPARTMENT FOR THE AGING

TITLE III CRIME GRANT

Victim Referral Agencies Component

Introduction

The New York City Department for the Aging is allocating \$70,000. in Title III Older Americans Act monies for the provision of emergency services to elderly crime victims by social service agencies which are part of the Victim Referral Network established by the Department's Field Operations Division.

19 Victim Referral Agencies, selected on the basis of criteria later described, have been targeted for grants of \$1,500., with an advance allowance of \$200.

Each of the remaining Victim Referral Agencies will receive an initial advance of \$150. which will be replenished from a City-wide reserve fund of approximately \$27,000.

In order to replenish funds expeditiously, each case involving an expenditure will require the prior approval of the project's Borough Coordinator, who will assist Referral Agencies in the implementation of this grant.

Funds will be available from April 1st to September 30, 1979.

Program Description

1) Method of Selection

Each precinct's designated Victim Referral Agency was reviewed on the basis of the following criteria and 19 agencies were selected to apply for grants of \$1,500:

- a) High or greatly increased rate of reported focus crimes against persons sixty years of age and older;
- b) High incidence of low-income population;
- c) Concentrations of minority elderly;
- d) Capacity of designated Victim Referral Agency's current staff to provide needs assessment and counselling;
- e) Lack of current resources for designated Victim Referral Agency to provide services that would be funded by this Title III grant.

The remaining Victim Referral Agencies are eligible to apply for grants from a City-wide pool of monies.

2) Services to be funded

Each borough will have a Coordinator, who is part of the Department for the Aging's staff and who will provide technical assistance to Victim Referral Agencies and approve all vouchers. In order to assure the expeditious flow of funds to Referral Agencies, prior approval by the Borough Coordinator of expenditures will be required in each case.

Victim Referral Agencies

Page Two.

All Victim Referral Agencies may use these funds to purchase the following services for elderly victims (sixty years of age and over) who have reported the crime to the police:

- a) Transportation to health services, government agencies, courts, and other crime-related appointments;
- b) Emergency lodging necessitated by the crime;
- c) Replacement of damaged and/or stolen items essential to the health or safety of the victim, such as eyeglasses, hearing aids, dentures, prescription drugs, and clothing;
- d) Fire Department-certified window gates, which will be installed by the Victim Services Agency's repair unit as part of Project SAFE.

Title III funds may not be used to provide direct cash assistance to victims nor to purchase food for victims.

Funds may also be used by the 19 selected Victim Referral Agencies to pay for expenses (e.g. postage, transportation) incurred in attempting to contact and in serving victims.

3) Fiscal Mechanism

In order to expedite the flow of funds to Victim Referral Agencies, the Department for the Aging has contracted with the N.Y.C. Foundation for Senior Citizens to provide fiscal services for this project.

Receipts for purchases of crime-related items or services (e.g. taxi fare or eyeglasses) must be obtained from the supplier. All receipts must be submitted to the Borough Coordinator on a regular basis.

4) Program Requirements

As part of the program, each Victim Referral Agency should complete and submit the following: monthly statistical forms; monthly disbursement forms; receipts for services provided; the names of agency staff and back-up staff responsible for case assessments. All forms are to be submitted to the Borough Coordinator by the 20th of the following month. Copies of all forms are enclosed. In addition, each agency will be asked to maintain uniform and standardized case records, which will be provided by the Department for the Aging.

5) Responsibilities of the Borough Coordinators

Four (4) Borough Coordinators, who are part of the Department for the Aging's staff, will be responsible for the coordination, monitoring, and technical assistance for Victim Referral Agencies.

Victim Referral Agencies

The functions of the Borough Coordinators will include: assistance in establishing police referral mechanisms; training of outreach and service staff of Victim Referral Agencies; facilitate cash flow to Agencies; review expenditures of Victim Referral Agencies in accordance with program guidelines; consultation on individual cases; determination of payments from reserve fund; monitoring of service levels and data provided by Victim Referral Agencies; and overall coordination of services to elderly victims in assigned borough. The Borough Coordinators will work under the supervision of a Project Director, who will also be part of the Department for the Aging's staff.

FORM A APPLICATION FOR TITLE III VICTIM ASSISTANCE GRANTS..

GENERAL INFORMATION ABOUT APPLICANT.

1. Name of Organization \_\_\_\_\_
2. Address \_\_\_\_\_
3. Name of Director \_\_\_\_\_
4. Name of Victim-Liasion Person \_\_\_\_\_  
Position \_\_\_\_\_
5. Office Telephone Number \_\_\_\_\_
6. Police Precinct for which group serves as Crime Victim Referral Agency \_\_\_\_\_
7. Is group tax-exempt? Yes \_\_\_\_\_ No \_\_\_\_\_

INFORMATION ABOUT YOUR GROUP'S SERVICE TO CRIME VICTIMS.

1. Types of services that have been or may be needed by crime victims in your area. (List in order of frequency).
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
2. Describe what problems, if any, you have encountered in providing each of the above services.

3. What resources does your agency possess at the moment for directly providing each of the services identified above?

List:

4. What agencies do you currently make referrals to in those cases where direct service of clients is not presently possible?

List:

5. Describe your agency's relationship with the local police precinct around the issue of helping elderly crime victims. Specifically,

a) how frequently are you in contact with the police concerning referral of crime victims?

b) what method or procedures for receiving referrals from the local precinct have or are currently being implemented?

6. If you currently do not have a working relationship with the Police Dept., what steps will be undertaken to establish a relationship?

7. When is your agency open for helping clients? (List days and hours.)

AGENCY

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CRIME VICTIM INTAKE SHEET

NAME \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

ADDRESS \_\_\_\_\_

SEX \_\_\_\_\_ MALE \_\_\_\_\_ FEMALE

\_\_\_\_\_

SOURCE OF REFERRAL \_\_\_\_\_

PHONE # \_\_\_\_\_

SOCIAL SECURITY # \_\_\_\_\_

BENEFITS  
(check list)

- \_\_\_\_\_ Social Security
- \_\_\_\_\_ S.S.I.
- \_\_\_\_\_ Medicare
- \_\_\_\_\_ Medicaid
- \_\_\_\_\_ Pension
- \_\_\_\_\_ Other

MEDICAID # \_\_\_\_\_

TOTAL MONTHLY INCOME \_\_\_\_\_

ETHNICITY: \_\_\_\_\_ Wh \_\_\_\_\_ Blk \_\_\_\_\_ Hisp  
\_\_\_\_\_ Other

DATE AND TIME OF CRIME \_\_\_\_\_

REPORTED TO POLICE: \_\_\_\_\_ Yes \_\_\_\_\_ No

DATE AND TIME REPORTED \_\_\_\_\_

PRECINCT # \_\_\_\_\_

POLICE COMPLAINT # \_\_\_\_\_

POLICE CONTACT \_\_\_\_\_

BRIEF DESCRIPTION OF CRIME (INCLUDE INJURY/LOSS) \_\_\_\_\_

CRIME RELATED SERVICES RECEIVED:

- |                        |       |                      |       |
|------------------------|-------|----------------------|-------|
| Counseling             | _____ | Legal Assistance     | _____ |
| Housing Relocation     | _____ | Financial Assistance | _____ |
| Emergency Lodging      | _____ | Crime Victim Comp.   | _____ |
| Food/Meals             | _____ | Home Security        | _____ |
| Replacement of ID card | _____ | Home Repair/Clean up | _____ |
| Escort                 | _____ | Other                | _____ |
| Medical                | _____ |                      |       |

IS GRANT ASSISTANCE NEEDED \_\_\_\_\_ YES \_\_\_\_\_ NO

AMOUNT OF GRANT AND PURPOSE \_\_\_\_\_

FOLLOW-UP \_\_\_\_\_

STATUS OF CASE: \_\_\_\_\_ Closed

DATE CLOSED: \_\_\_\_\_

\_\_\_\_\_ Opened

FORM FILLED OUT BY: \_\_\_\_\_

EMERGENCY ASSISTANCE ACKNOWLEDGEMENT

This certifies that \_\_\_\_\_ has  
(Client's Name)  
received \$ \_\_\_\_\_ for the following service/item \_\_\_\_\_

This service is being provided by \_\_\_\_\_  
Agency  
\_\_\_\_\_ to meet the emergency needs of the above  
mentioned client.

It is understood that repayment for this service will be made  
when possible.

Received by: \_\_\_\_\_  
Client's Signature

From: \_\_\_\_\_  
Agency

\_\_\_\_\_  
Worker's Signature

Date: \_\_\_\_\_, 1979

Police Complaint # \_\_\_\_\_

DFTA Approval # \_\_\_\_\_

Repayment

Date: \_\_\_\_\_

Amt. Repaid: \_\_\_\_\_

Received by: \_\_\_\_\_



Sample Letter/Use Agency Letterhead

Dear

The \_\_\_\_\_ Police Precinct recently informed us of your experience earlier this month as a crime victim. I am the victim's assistance worker with \_\_\_\_\_ located at \_\_\_\_\_.

Enclosed is information describing the services offered by our program. If you are having problems related to the crime, including emergency financial needs, we may be able to assist you.

I am here Monday through Friday, from 9:00 A.M. to 5:00 P.M. The telephone number is \_\_\_\_\_.

I am looking forward to hearing from you.

Sincerely,

Name  
Title

APPENDIX N

CRIMINAL JUSTICE AND THE ELDERLY PROGRAM:  
QUESTIONNAIRE FOR VICTIM COMPENSATION  
PROGRAM SITE VISITS IN CALIFORNIA, MARYLAND,  
MASSACHUSETTS, NEW YORK, AND WISCONSIN

PUBLIC AWARENESS

o General Outreach

1. Do you have a written policy or explicit goals regarding general outreach?
2. Do you have methods to increase public knowledge of and access to the program, increase the rate of applications on the part of the general public? What attempts are made to communicate about the program and its benefits through TV, radio, newspapers, social service agencies? Hospitals?
3. What is the content of these communications? Do you have copies? Is outreach succeeding? How do you know?
4. To what extent does the program make use of relevant community service agencies as locations, repositories for its publicity efforts, as sources of referrals? Do program staff go to victim assistance projects to explain program?
5. How do most applicants learn about the program?
6. Are the elderly or other groups targeted for special outreach, e.g., by means of wording in literature, contacts with senior citizen groups? If yes -- How?
7. What do you identify as the major difficulty in achieving greater public awareness? Recommendations?

o Subsequent to Victimization

8. How are inquiries by victims about the program, in contrast with formal applications, handled?
9. What methods does the board use to ensure that every eligible victim has been contacted? What kind of follow-up? Are methods same for everyone or do they differ for elderly?
10. What oral or written techniques does the board employ to explain the application and procedures of the program to possible applicants?
11. Do you keep track of where referrals to your program come from?

EMERGENCY AWARDS

1. Does your program provide any form of emergency compensation?
2. IF YES: What criteria are used to evaluate need for an emergency award?
3. Of those emergency awards denied during the last year, what were the major reasons?
4. Is there a special series of application forms for emergency awards?
5. How does an applicant find out about the availability of the emergency award?
6. Who makes the decisions for the emergency loan -- the staff of the board?
7. How long does it take to process and mail checks for emergency awards from date of application? Is there a statutory requirement or a program rule regarding how soon an award must be paid subsequent to an application?
8. What recommendations would you offer for changing procedures concerning emergency awards? Why?

VICTIM ADVOCACY

1. Are board members participants on or members of the board of other public agencies? Which?
2. To what extent do board members lobby other public agencies for support?
3. What activities do you engage in with the governor or state legislature with respect to your budget and/or necessary changes in legislation?

SOURCES OF DELAY

1. To what extent is delay the result of understaffing?
2. How many claims does each investigator have open at this time? How many claims does an investigator process, close/complete each month? What do you think is an appropriate caseload?
3. Are there written or unwritten guidelines or instructions for investigators -- their procedures in claim processing, writing of reports?
4. What are the major sources for delay in the investigative phase?
5. To what extent is delay a result of the type of information that must be collected during this phase? Is there any way some of this information could be collected more simply?
6. To what extent is delay a result of who must provide information, e.g., hospitals, doctors, insurance companies, and their ability or willingness to provide it on a timely and accurate basis? What is being done to reduce delay? Do you have special problems in getting information from insurance companies, doctors? From claimants? Are payments made directly to hospitals, doctors, providers?
7. What are the major reasons for delay in the final receipt of an award? After award decision is made?
8. To what extent is delay in final receipt of award the result of a lengthy review process within program or by higher authorities?
9. What recommendations do you have about reducing delay?
10. What is your perspective of the minimum loss requirement? If you do not have such a requirement, how do you handle small claims? How many of these small claims (under \$100) did you receive and process last year?

DENIALS

1. Describe the board's procedures for reaching a decision on a claim after all of the data has been presented to it. Are board decisions made on the basis of special (written) criteria?
2. What are the major reasons for denial?
3. Approximately how many claims are denied on face value without additional review? What is characteristic of these claims?
4. Of cases denied, roughly what percentage are difficult decisions from the perspective of interpreting the facts accurately? Are there cases denied that the board feels compelled to deny, based on statutory requirements, but believes, in the interest of need and fairness, ought not to be denied? Examples.
5. Have board decisions ever been modified or reversed by another authority? By board itself at a later time?
6. IF APPLICABLE: How does the board evaluate serious financial hardship? How complex is this process? Are there standardized criteria?
7. What proportion of cases are denied based on incomplete, inaccurate information? Is follow-up made to find out if individual really is eligible?
8. Where offender is relative: is there absolute denial here.
9. Any legal challenges on this.
10. Under what circumstances are statutory requirements waived or modified to accommodate the needs of victims, e.g., late filing, incomplete forms, etc. How automatic are denials based on eligibility requirements? Is there absolute denial if claimant does not report to the police by a certain time?
11. What is the extent of fraudulent claims?
12. Are there procedures and practices which are complicated or difficult and therefore are likely to limit those with less education, resources, and assertive personalities from applying for and obtaining awards? How would you change them?

VICTIM ASSISTANCE WITHIN THE COMPENSATION PROGRAM

1. In what ways does the program either internally or in conjunction with an outside agency -- such as a victim assistance project -- provide assistance with the process of applying for and obtaining awards? Are there written guidelines for staff? Explain relation with victim assistance project.
2. Are any special considerations, provisions made for elderly claimants? Are rules modified? How? For example, is the scheduling of hearings modified to account for special problems of the elderly in meeting deadlines, traveling, etc.?
3. Are the [elderly] given assistance in completing forms? Collecting necessary information? What kind of assistance? Must claimants request assistance or is it automatically offered? If claimant is unable to develop a factual basis for claim, do you assist him?
4. Is the claimant assisted in obtaining proof of claim during the investigative process? What kind?
5. Do you refer claimants to victim assistance projects? Do they refer people to you? Does your program have an institutionalized procedure for referring claimants to counseling/social services? How many? How does it work?
6. Are any of the reasons for denial related to the absence of assistance in making claims?
7. What is most complicated or problematic aspect of claims form(s) from your point of view in processing? From applicant's point of view in completing?
8. What can be done to reduce claimant time and effort in collecting information necessary to process the claim?
9. What recommendations for change would you make regarding the provision of assistance in each stage of the victim compensation process? To what extent are changes required in law? In program rules? In the administration of the program?

10. Who is responsible for insuring that victim receives assistance?
11. How many claimants are represented by an attorney? Does your program recommend use of attorneys? How many seek advice from attorneys? Could paralegal/non-attorneys be used in this task? Does attorney fee come out of award?
12. Is there any role which volunteers could play in your program? In outreach? Assistance with applying? Obtaining an award? Do you have any plans for hiring additional staff for any of these functions? Have you considered using CETA workers in any of these capacities?



GENERAL COMMENTS

1. Is your program evaluated? IF YES: Who is responsible for evaluation.
2. What recommendations would you propose for changing any aspect of the program? What is preventing change? Why?
3. What are future plans for change -- either legislative or administrative? Definite? Possible? Status?
4. Do you have copies of letters, memos, suggesting recommendations?
5. Do you have names of contacts who could provide additional information on the compensation program?

NOTES I

1. Richard Hofrichter, "Victim Compensation and the Elderly: Policy and Administrative Issues." A report by the Criminal Justice and the Elderly Program, Legal Research and Services for the Elderly of the National Council of Senior Citizens to the Select Committee On Aging, U.S. House of Representatives, 96th Congress, 1st session (Washington, D.C., U.S. Government Printing Office, March 1979).
2. See, for example, "In Search of Security: A National Perspective On Elderly Crime Victimization." A Report by the Subcommittee On Housing and Consumer Interests of the Select Committee On Aging, 95th Congress, 1st session, April 1977, 26-28; Fay Lomax Cook, Wesley G. Skogen, Thomas Cook and George Antunes, "Criminal Victimization and the Elderly: The Physical and Economic Consequences," The Gerontologist 18, no. 4 (August 1978), 338-49.

NOTES II

1. See James Garofalo and L. Paul Sutton, "Compensating Victims of Violent Crime: Potential Costs and Coverage of a National Program," (Washington, D.C.: Law Enforcement Assistance Administration, 1977). This report presents a series of formulas for estimating program utilization. The 10% figure is based on estimates made by program directors, dividing total number of violent crimes in a state by the number of applications.
2. See Department of Administration, State of Minnesota, "An Analysis of the Public Information Effort of the Minnesota Crime Victims Reparations Board," (St. Paul, Minnesota, July, 1978).
3. The eight states with the requirement that police inform victims about their rights under the compensation program are: Alaska, California, Minnesota, New York, Ohio, Oregon, Washington, and Wisconsin.
4. Interview with Ron Zweibel, Director, New York State Victim Compensation Program, November 13, 1978.
5. Minn. Stat. Ann. Ch. 299B, § 299B.15
6. Supra, note 2.
7. Calif. Stat.

NOTES III

1. Alaska, California, Florida, Kansas, Kentucky, Maryland, Michigan, Nebraska, New York, Virginia, and Wisconsin.

2. Supra, I, note 1.
3. Interview, November 9, 1978.
4. A recent study of the California victim compensation program found that very few late filings occurred for capricious reasons. See Jacqueline Vaughn, "Victim Witness Assistance in California: State and Local Program Implementation and Evaluation." Doctoral dissertation, University of California, Political Science Department, Berkeley, California (1979) 114-116.
5. Interview, November 9, 1978.

NOTES IV

1. The exception is California. However, the State Board of Control requires a police report even though it is not mentioned in the legislation.
2. New York Stat. Ann. Book 18 § 629(1)
3. Kansas Stat. Ann.

NOTES VI

1. Penn. Stat. Tit. 71, sec. 477.15.
2. Tenn. Pub. Act 736, sec. 16.
3. Virginia Code, Ch. 215, § 19.2-368.18.

**END**