

6TH ANNUAL REPORT
OF THE
CRIME VICTIMS REPARATIONS BOARD
OF
MINNESOTA

July 1, 1980 to June 30, 1981
Administered by the
Minnesota Crime Victims Reparations Board
Department of Public Safety

86609

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Reparations Board

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KENNETH STROM
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TO:
HONORABLE AL QUIE
Governor of the State of Minnesota

HONORABLE MEMBERS OF THE STATE LEGISLATURE
State of Minnesota

I have the honor to submit a completed annual report of the Minnesota Crime Victims Reparations Board submitted pursuant to the provisions of M.S. 299B.06, Subdivision 1 (e) which covers the period July 1, 1980, through June 30, 1981.

Respectfully submitted,

Johanna Miller MD
Johanna Miller, M.D.
Chairwoman

St. Paul
Dated: July 1, 1981

PROLOGUE

Every year thousands of people are killed or injured in this state as a result of violent crime. Some are the actual victims of robberies, assaults, rapes and homicides; some are innocent by-standers, or good samaritans attempting to stop a crime in progress. These innocent people endure the trauma of medical expenses and wage losses, while their dependents also suffer a loss of support and final expenses in cases of homicide.

The State of Minnesota has recognized this injustice visited upon the victim and the victim's family. In 1974, Minnesota enacted the Minnesota Crime Victims Reparations Law. This law provides an innovative method to mitigate the financial losses incurred by the victim and the victim's family as a result of these crimes of violence.

The program has been well received both politically and publicly; and the absence of detractors bespeaks its total and complete recognition and acceptance by the citizens of the State of Minnesota.

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

TO:

Honorable Al Quie
Governor of the State of Minnesota

John Sopsic, Commissioner
Department of Public Safety

Honorable Legislators

State of Minnesota

I. HISTORY

The concept of governmental responsibility for compensation payments to the crime victims or to the victim's family enjoyed recognition at least as early as 1775 B.C. The ancient Babylonian Code of Hammurabi provided:

"... if a robber has not been caught, the robbed man shall declare his property in the presence of God, and the city and governor in whose territory and district the robbery was committed shall replace for him his lost property. If it was a life that was lost, the city and governor shall pay one Mina of Silver to his heirs."

From the Code of Hammurabi through political commentators, through the preamble to the Constitution of the United States of America, to the Constitution of the State of Minnesota, there is at least an implicit recognition that the primary duty of government is to maintain order and protect its citizens. However, the concept of Crime Victims Compensation or reparations fell into desuetude during the dark ages to be revived in modern times by British Commonwealth countries. Led by New Zealand in 1964, it quickly spread to Australia, England, and Canada, taking roots in the United States in California in 1965, New York in 1966, and in 1974 Minnesota became the 13th state to enact such legislation. Currently there are 33 states that maintain some form of victim compensation programs, and a similar number of foreign countries.

The Minnesota Crime Victims Reparations law became effective on July 1, 1974, as a response to an acute proliferation of crimes of violence. The text of the law, Minnesota Statutes 299B.01 et. seq. may be found at Exhibit "A" herein.

II. LEGISLATION

The Minnesota Crime Victims Reparation law provides reparations for economic losses to victims of crime involving personal injury, and to their dependents in cases of death. It also permits recovery for economic losses incurred as a result of a good faith effort to prevent a crime or to apprehend a person suspected of engaging in a crime.

Program funding is by legislative appropriation and of General Revenue monies. The maximum payment allowable of \$25,000.00 for any one claim has never been met. The average claim payment being \$1,973.00. Such claims are first

reduced by \$100 deductible and further reduced by all collateral sources such as welfare payments, Social Security benefits, medical and hospitalization insurance payments, disability income insurance, Workers Compensation and any other source of benefits.

Personal property losses, and pain and suffering are not compensable, with limited exceptions for prosthetic devices. Further, injuries arising out of the use of an automobile, water craft, or air craft are not compensable unless the conduct was intentional or the vehicle was being used in the commission of a felony.

A. BOARD/STAFF

The Minnesota Crime Victims Reparation Board is composed of three part-time members appointed by the Governor with the consent of the Senate. They serve four-year staggered terms. One member must be admitted to the Bar. This member is Kenneth Strom, Attorney, Austin, MN, whose appointment expires January, 1985. One member must be a licensed medical or osteopathic physician. This member is the current Chairwoman, Johanna Miller, M.D., of Minneapolis, whose appointment expires January, 1984. The third member may be from the public at large. It has traditionally been filled by a member of law enforcement and the current member is John Lyght, Sheriff, Grand Marais, whose appointment expires January, 1983.

The Board meets once per month to review and decide claims and conduct other business. They are paid \$35.00 per meeting plus expenses.

The jurisdiction of the Board is state-wide, and the management and administration of the program is delegated to one full-time executive director and one full-time secretary. This complement of two full-time staff has not been increased since 1974.

The Minnesota Crime Victims Reparations Board is a member of the National Association of Crime Victims Compensation Boards, which is comprised of 33 states; and also of the International Association of Crime Victims Compensation Boards comprised of over 70 separate jurisdictions world-wide including Australia, England, Ireland, Wales, Hong Kong, Japan, and many others. The Executive Director, Duane E. Woodworth is Co-chairman of the International Association.

The International Association held its biennial convention in May of 1981 in Minneapolis. The Executive Director, Duane E. Woodworth, as Co-chairman of the International Association, and the Minnesota Crime Victims Reparations Board, were hosts to the convention. Several guests participated including Congressman Bruce Vento, Attorney General Warren Spannaus and State Representative Peggy Byrne.

B. APPLICATIONS

Applications, informative literature, and other forms are available at the Minnesota Crime Victims Reparations Board office in St. Paul. Interested persons may call in the Metro free-calling area; 296-7080; and in areas outside of the Metro free-calling area by dialing the toll-free number: 1-800-652-9747. Also, forms are generally available at most law enforcement agencies, hospitals, and social service agencies.

All law enforcement agencies have a mandatory duty to inform all crime victims who may be eligible, of the availability of benefits through the Minnesota

Crime Victims Reparations Board. In this regard, 25,000 plastic wallet-sized cards have been printed and distributed to all law enforcement offices in order for them to easily meet the statutory mandate.

C. ELIGIBILITY

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. 2, 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) (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 was 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.

D. PROCESSING

If the claim then meets these standards for eligibility, the claimant is requested to submit a Supplementary Claim Form, which indicates the loss sustained by the claimant and 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 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 the crime."

The Executive Director as part of his investigative responsibilities also verifies: 1) whether or not the claimant was employed, the income reported and its documentation, 2) the hospital and medical bills, and 3) insurance or any other collateral sources.

When the Executive Director certifies a claim as complete, he drafts 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.

If the claimant remains unsatisfied after the review by the full Board, the claimant may appeal the decision to the State Hearing Examiner pursuant to the Administrative Procedure Act, Minnesota Statute 15.01 et. seq.

Provision is made for payment of an emergency award in cases where urgency is apparent and requested, and also for supplementary awards when justified.

E. PUBLIC AWARENESS

Traditionally, a substantial effort has been expended by the executive director and the board members 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 public relations efforts, it is quite apparent that there are many victims of crime in this state who are still not aware of our law.

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, 25,000 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 i.e., 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.

Current workloads have dictated a lesser emphasis on public awareness due to insufficient staff and funding to meet current needs.

F. AMENDMENTS

1. Significant Past Amendments.

Since the inception of the program in 1974 several amendments have been made strengthening the program, clarifying the law, expediting the payment process, and providing more adequate benefits to the claimants. Most notably:

In 1977 the maximum award was increased from \$10,000 to \$25,000. Only one claim has been made for a maximum award, although many have exceeded \$10,000.

In 1979 a "son of Sam" law was enacted mandating that the commercial exploitation of crimes be limited. If there is any commercial exploitation of a crime occurring in Minnesota, e.g., books or movies, the Board is empowered to confiscate the profits, through court action for the benefit of crime victims.

2. Favored Future Amendments.

The Board favors new legislation in aid of the program and in aid of crime victims generally.

a) The Board is in favor of legislation mandating minimal monetary penalties upon defendants convicted of certain crimes with proceeds to be used to help defray the cost of the Minnesota Crime Victims Reparations Board.

The Board is in favor of legislation to provide that a percentage of all monies earned by prisoners be used to help defray the cost of the M.C.V.R.B. program.

c) The Board is in favor of legislation limiting claims for lost wages to a maximum weekly amount.

III. BUDGET DATA

A. GENERALLY

For FY'81, the legislature appropriated \$500,000 out of the General Revenue Fund for the administration of the M.C.V.R.B. That appropriation was expended by March 1, 1981, four months before the end of the fiscal year. Such under-funding has been a perennial problem of the program since its 1974 appropriation of \$100,000. The program is simply well received by the public and by interested agencies both public and private, and over-used by the eligible public.

The file numbers assigned to cases listed in the claim register for FY'81, from 7-1-80 to 6-30-81, are interpreted as follows:

AR = Arson : This represents cases of personal injury or death arising out of an original crime of arson.

AS = Assault: This represents any assault against a person or property resulting in injury or death to the victim.

H = Homicide: This represents any crime resulting in death to the victim.

M = Mugging: This represents assault cases when the motive is robbery.

PP = Personal

Property: This represents cases where no personal injury or death results and the victim's only losses are of personal property. These are automatically denied.

R = Rape : This represents all cases of sexual assault committed against male or female. On 4/30/76 the M.C.V.R.B. resolved to delete the names of all sexual assault victims from the claims register since such register is a public document. This was done simply to avoid further embarrassment to these victims and their families. These names are available to the Governor and legislature upon request.

B. Claims Statistics

	Number of Claims Filed		
	FY 80	FY 81	Changes
Arson	: -0-	-0-	-0-
Assault	: 282	319	+37
Homicide	: 76	65	-11
Mugging	: 44	59	+15
Personal Property	: 4	4	-0-
Rape	: 77	57	-20
Totals	: 483	504	+21(+4.3%)

C. Average Process Time (in months)

	Average Length of Time Required to Finalize a Claim		
	FY 80	FY 81	Changes
Arson	: 7.5	-0-	-0-
Assault	: 13.0	18.0	+5.0
Homicide	: 5.0	7.5	+2.5
Mugging	: 9.0	13.0	+4.0
Rape	: 9.0	12.0	+3.0
Average	: 8.75	12.62	+3.62(+41.4%)

D. Denied Claims

	FY 79	FY 80
1. Below \$100.00 deductible (I)	30	24
2. Automobile case	9	6
3. Abandoned (3)	58	49
4. Not filed within one year	3	3
5. Lack of cooperation with police	5	5
6. Withdrawn claim	4	2
7. No crime reported	2	2
8. Not an innocent victim	6	6
9. No crime committed	2	2
10. Occurred out of State	2	1
11. Not reported within five days	1	1
Totals	121	101(-16.5%)

E. Fiscal Data (2)

1. Original appropriation -	\$ 513,089
plus restitution and refunds (estimated) -	60,000
Subtotal:	\$ 573,089
2. Less operating expense -	73,995
Balance:	\$ 499,094
3. Less claims payments -	499,094
TOTAL:	\$ -0-
4. Average claim payment -	
499,094 ÷ 253 =	\$ 1,973
5. Cost of Administration -	12.9%
73,995 ÷ 573,089 =	

F. Appropriations History

	Appropriated	Expenditure
FY 75	\$ 100,000	\$ 100,000
FY 76	300,000	300,000
FY 77	375,000	375,000
FY 78	375,000	375,000
FY 79	500,000	456,239
FY 80	500,000	500,000
FY 81	500,000	500,000

G. Claims History

FY	Filed	Paid	Denied	Pending
74-76	580	269	228	0
77	329	158	133	7
78	389	241	146	11
79	420	242	148	0
80	483	218	121	19
81	504	253	101	410
Totals:	2705	1381	877	477

H. Detail of FY 1981 claims (4)

Filed	Paid	Denied	Handled	Previous Yrs.	FY81	Total
504	253	101	938	37	410	447

Notes:

- (1) Includes claims reduced to under \$100,00 after deducting collateral sources such as insurance, welfare, workers' compensation and employer benefits.
- (2) Some discrepancies may appear in actual amounts due to variations in accounting methods, open accounts payable, and accounts receivable.
- (3) The reasons claimants abandon their claim is unknown. A claim is deemed abandoned when the claimant fails to respond to communications within a reasonable time, moves without leaving a forwarding address, or refuses to submit requested information.
- (4) 504 new claims were filed in FY81; 253 final awards were made, some of which were claims made in preceeding years. In addition, supplementary awards were made, making a total of 390 awards. Total awards (390) plus denials (101) plus pending claims (447) = 938 claims handled, or an increase of 258 claims, or 38% over the 680 claims handled in FY80.

IV. PROJECTIONS

The Minnesota Crime Victims Reparations Board was created in 1974 and initially funded with \$100,000. It was quickly apparent that this appropriation was insufficient and a supplementary appropriation of \$100,000 was approved. Since then the annual appropriation has increased to its current level of \$500,000. And each year the program has expended its appropriation in the first 8 or 9 months of each fiscal year.

Every year since 1974 the number of claims filed has increased.
Every year since 1974 the total dollars expended has increased.
Every year since 1974 the staff complement of two has remained unchanged.

Since the Board has no control over the amount of crime committed in Minnesota, it follows that it has no control over the number of victims, nor any control over the number of claimants applying for benefits. Exhibits "B" and "C" graphically illustrate the consequences of a workload that has increased beyond the capacity of this small staff. As the number of claims received nears 400 per year, the average time to process a claim increases beyond the public's capacity to endure. A point will be reached where the two-member staff will do nothing but receive claims and open files, having no time to investigate or recommend payment; not even recommend denial. Exhibit "C" shows that as the number of claims received nears 400 per year, the work production indicators of claims paid and denied decreases as the processing time increases. In 1978 it took 113 days to process a claim; in 1979 it took 126 days; and in 1980 it increased to 263 days or 8.75 months. In FY81 the time was 12.6 months. This delay becomes crucial to claimants, as at 6 months after any treatment, suppliers begin turning their accounts receivable over to collection agencies. It is projected that in FY82 the average process time will increase to 17.5 months if the staff complement is not increased.

Graphic Exhibits "B" and "C" indicate a slight increase in the number of claims paid. This is due to the Board having an emergency temporary clerk typist for a full year. Without the additional help of this one more person, the number of claims paid would have continued the projected decline. Exhibit "D" shows a leveling off in the average dollar amount of the claims paid. This is due primarily to a more conservative approach to claims awards payment by the Board. It has, however, resulted in an increase in the number of appeals cases which have risen from a low of 1 to 2 per year, to 27 during fiscal year 1981. Exhibit "E" merely shows that each year's budget is fully expended every year, and that projections show the program to be underfunded.

Additionally, as the average claim payment amount increases, a fixed appropriation means that fewer claimants may be paid. Those that are unpaid are simply carried over into the next fiscal year creating congestion in that year.

Due to the general state of the economy, it does not appear that Federal financial aid will be available.

The board is faced with a limited staff complement, a continuing increase in relevant crime statistics, and increasing victim applications. These projections indicate that the integrity of the program is in jeopardy.

V. POLICY - INTENT - PHILOSOPHY

The reason for compensating innocent victims of violent crimes is humanitarian, and part of the fulfillment of an arguable duty of the state. Early history of government indicates that one of the primary functions of 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 a 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 a practical matter, now a victim in the State of Minnesota knows that his government is concerned with the 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 \$70,000,000 per year to operate the Department of Corrections, or from \$20,000 to \$35,000 per year per prisoner, depending upon the facility; the sum of \$600,000 per year, or \$2,000.00 per victim to compensate victims of violent crime in this state certainly seems miniscule by comparison (1 percent).

The Board has continued to treat each claimant not as an adversary, but as a person in need of assistance. We are dedicated to the principle of providing more than just token assistance to the innocent victim 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 the past Commissioner Edward Novak, Department of Public Safety, and by the current Commissioner, John Sopsic, and their entire staff who so efficiently and effectively assisted our agency. The Board further gratefully acknowledges the excellent cooperation that has been extended to it by the law enforcement agencies throughout the state, Jim Alfveby of the Attorney General's Office, and the media for 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 a 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, 1980 through June 30, 1981, 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 as required by M.S. 299B.06(e).

Respectfully Submitted:
July 1, 198

JOHANNA MILLER, M.D., Chairwoman
KENNETH STROM, Board Member
JOHN LYGHT, Board Member
DUANE E. WOODWORTH, Executive Director

EXHIBIT "A"

CHAPTER 299B
CRIME VICTIMS REPARATIONS

Sec.		Sec.	
299B.01	Title	299B.09	Reparations: how paid
299B.02	Definitions	299B.10	Subrogation
299B.03	Eligibility for reparations	299B.11	Medical privilege
299B.04	Amount of reparations	299B.12	Enforcement of Board orders
299B.05	Crime Victims Reparations Board	299B.13	Department of Corrections; restitution
299B.06	Powers and duties of the Board	299B.14	Use of record of claim; evidence.
299B.07	Determination of claims	299B.15	Law enforcement agencies; duty to inform victims of right to file claim.
299B.071	Attorney fees; limitation for representation before Board	299B.16	Fraudulent claims; penalty
299B.08	Consideration of decisions by full Board		

299B.01 TITLE. Sections 299B.01 to 299B.16 shall be known as the Minnesota Crime Victims Reparations Act.

299B.02 DEFINITIONS. For the purposes of sections 299B.01 to 299B.16 the following terms shall have the meanings given them:

(1) "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to section 609.05.

(2) "Board" means the Crime Victims Reparations Board established by section 299B.05.

(3) "Claimant" means a person entitled to apply for reparations pursuant to sections 299B.01 to 299B.16.

(4) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under sections 299B.01 to 299B.16 which the victim or claimant has received, or which is readily available to him from:

- (a) the offender;
 - (b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 299B.01 to 299B.16;
 - (c) social security, medicare, and medicaid;
 - (d) state required temporary non-occupational disability insurance;
 - (e) workers' compensation;
 - (f) wage continuation programs of any employer;
 - (g) proceeds of a contract of insurance payable to the victim for economic loss which he sustained because of the crime;
 - (h) a contract providing prepaid hospital and other health care services, or benefits for disability; or
 - (i) any private source as a voluntary donation or gift.
- The term does not include a life insurance contract.

(5)(a) "Crime" means conduct that

- (i) occurs or is attempted in this state.
- (ii) poses a substantial threat of personal injury or death, and
- (iii) is included within the definition of "crime" in Minnesota Statutes 1974, Section 609.02, Subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition of certiorari is pending or a new trial or rehearing has been ordered.

(c) "Crime does not include conduct arising out of the use of a motor vehicle, as defined in section 169.01, Subdivision 2, an aircraft or watercraft unless:

(i) the conduct was intended to cause personal injury or death, or
(ii) the use of the motor vehicle, aircraft or watercraft in the commission of a felony was a proximate cause of the victim's injury or death.

(6) "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.

(7) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(i) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;
(ii) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;
(iii) loss of income the victim would have earned had he/she not been injured; and
(iv) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had he/she not been injured.

(b) In the case of death the term is limited to:

(i) reasonable expenses incurred for funeral, burial or cremation;
(ii) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;
(iii) loss of support, including the contributions of money, products or goods, but excluding services which the victim would have supplied to his dependents if he had lived; and
(iv) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of his dependents if he had lived.

(8) "Injury" means actual bodily harm including pregnancy and mental or nervous shock.

(9) "Victim" means a person who suffers personal injury or death as a direct result of:

(a) a crime;
(b) the good faith effort of any person to prevent a crime; or
(c) the good faith effort of any person to apprehend a person suspected of engaging in a crime.

299B.03 ELIGIBILITY FOR REPARATIONS. Subdivision 1. Except as provided in Subdivision 2, the following persons shall be entitled to reparations upon a showing by a preponderance of the evidence that the requirements for reparations have been met:

(a) a victim who has incurred economic loss;
(b) a defendant who has incurred economic loss;
(c) the estate of a deceased victim if the estate has incurred economic loss;
(d) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in Section 299B.02, clause (7), for a victim;
(e) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.

Subdivision 2. No reparations shall be awarded to a claimant otherwise eligible if:

(a) the crime was not reported to the police within five (5) days of its occurrence or, if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim is the spouse of or a person living in the same household with the offender or his/her accomplice or the parent, child brother or sister of the offender or his/her accomplice unless the Board determined that the interests of justice otherwise require in a particular case;

(d) the claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; or

(e) no claim was filed with the Board within one year of victim's injury or death but if it could not have been made within that period, then the claim can be made within one year of the time when a claim could have been made; or

(f) the claim is less than \$100.

299B.04 AMOUNT OF REPARATIONS. Reparations shall equal economic loss except that:

(a) reparations shall be reduced to the extent that economic loss is recouped from a collateral source or collateral sources;

(b) reparations shall be reduced to the extent, if any, that the Board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom he claims, and by the first \$100 of economic loss; and

(c) reparations paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed \$25,000.

299B.05 CRIME VICTIMS REPARATIONS BOARD. Subdivision 1. There is created in the Department of Public Safety, for budgetary administrative purposes, the Crime Victims Reparations Board, which shall consist of three members appointed by the Governor with the advice and consent of the Senate. One of the members shall be designated as chairman by the Governor and serve as such at his pleasure. At least one member shall be a person who is admitted to the bar of this state, and at least one member shall be a medical or osteopathic physician licensed to practice in this state.

Subd. 2 (Repealed, 1976 c 134 s 79)

Subd. 2a. The membership terms, compensation, removal of members, and filling of vacancies on the Board shall be as provided in section 15.0575.

Subd. 3 Members of the Board shall serve part time.

299B.06 POWERS AND DUTIES OF THE BOARD. Subdivision 1. Duties. In addition to carrying out any duties specified elsewhere in sections 299B.01 to 299B.16 or in other laws, the Board shall:

- (a) provide all claimants with an opportunity for hearing pursuant to Chapter 15;
 - (b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;
 - (c) promulgate within 90 days following the effective date of Laws 1974, Chapter 463 rules to implement Sections 299B.01 to 299B.16, including rules governing the method of practice and procedure before the Board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;
 - (d) publicize widely the availability of reparations and the method of making claims; and
 - (e) prepare and transmit annually to the Governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied.
- Subdivision 2. Powers. In addition to exercising any powers specified elsewhere in Sections 299B.01 to 299B.16 or other law, the Board upon its own motion or the motion of a claimant or the attorney general may:
- (a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;
 - (b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;
 - (c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;
 - (d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;
 - (e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;
 - (f) request from prosecuting attorneys and law enforcement officers, investigations and data to enable the Board to perform its duties under Sections 299B.01 to 299B.16;
 - (g) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and
 - (h) reconsider any decision granting or denying reparations or determining their amount.

299B.07 DETERMINATION OF CLAIMS. Subdivision 1. A claim, when accepted for filing, shall be assigned by the chairman to him/herself or to another member of the Board.

Subd. 2. The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim.

Subd. 3. The board member to whom a claim is assigned may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in

support of it and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of the papers and report, he/she shall order a hearing.

Subd. 4. After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the board member to whom the claim was assigned shall make a decision either granting an award or deny the claim.

Subd. 5. The board member making a decision shall file with the Board a written report setting forth such decision and his/her reasons therefore. The Board shall notify the claimant and furnish him a copy of the report.

299B.071 ATTORNEY FEES: LIMITATION FOR REPRESENTATION BEFORE BOARD.

The Board may limit the fee charged by any attorney for representing a claimant before the Board.

299B.08 CONSIDERATION OF DECISION BY FULL BOARD. Subdivision 1.

The claimant may, within 30 days after receipt of the report of the decision of the board member to whom his/her claim was assigned, make an application in writing to the Board for consideration of the decision by the full Board.

Subd. 2. Any member of the Board may, within 30 days after the filing of the report, make an application in writing to the Board for consideration of the decision by the full Board.

Subd. 3. The Board shall treat all claims considered pursuant to this section as contested cases within the meaning of Chapter 15.

299B.09 REPARATIONS: HOW PAID. Reparations may be awarded in a lump sum or in installments at the discretion of the Board. The amount of any emergency award shall be deducted from the final award, if a lump sum, or pro-rated over a period of time if the final award is made in installments. Reparations are exempt from execution or attachment except by persons who have supplied services, products or accommodations to the victim as a result of the injury or death which is the basis of the claim. The Board, in its discretion may order that all or part of the reparations awarded be paid directly to these suppliers.

299B.10 SUBROGATION. The state shall be subrogated, to the extent of reparations awarded, 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. Nothing in this section shall limit the claimant's right to bring a cause of action to recover for other damages.

299B.11 MEDICAL PRIVILEGE. There is no privilege as to communication or records relevant to an issue of the physical, mental, or emotional condition of the claimant or victim in a proceeding under sections 299B.01 to 299B.16 in which that condition is an issue. Nothing contained in this section shall be interpreted to abridge the attorney-client privilege.

299B.12 ENFORCEMENT OF BOARD'S ORDERS. If a person refuses to comply with an order of the Board or asserts a privilege to withhold or suppress evidence relevant to a claim, the Board may make any just order including denial of the

claim, but may not find the person in contempt. If necessary to carry out any of its power and duties, the Board may petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a mental or physical examination.

299B.13 DEPARTMENT OF CORRECTIONS: RESTITUTION. The Department of Corrections may, as a means of assisting in the rehabilitation of persons committed to their care, establish programs and procedures whereby such persons may contribute toward restitution of those persons injured as a consequence of their criminal acts.

299B.14 USE OF RECORD OF CLAIM: EVIDENCE. Neither a record of the proceedings on a claim, a decision of the Board, nor the fact that an award has been made or denied shall be admissible as evidence in any criminal or civil action against the alleged offender, except an action by the state on its subrogation claim.

299B.15 LAW ENFORCEMENT AGENCIES: DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM. 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.

299B.16 FRAUDULENT CLAIMS: PENALTY. Any person who knowingly makes a false claim under Sections 299B.01 to 299B.16 shall be guilty of a gross misdemeanor.

Legislation enacted during the 1981 session may or may not have a financial impact upon the M.Cy.R.B. The first is Minn. Stat. §609.101. The second is the Department of Transportation appropriation found at Minnesota Session Law Service 1981, c.357 p.1794. Both statutes are set forth below.

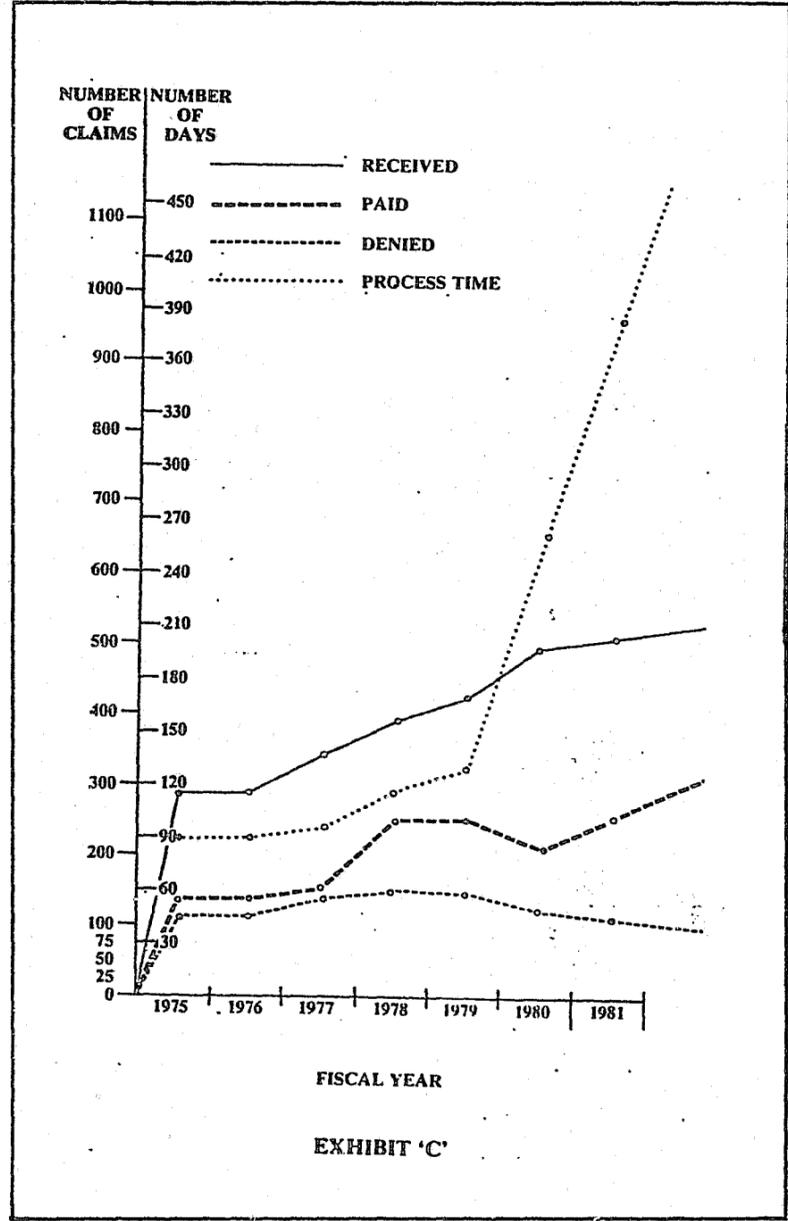
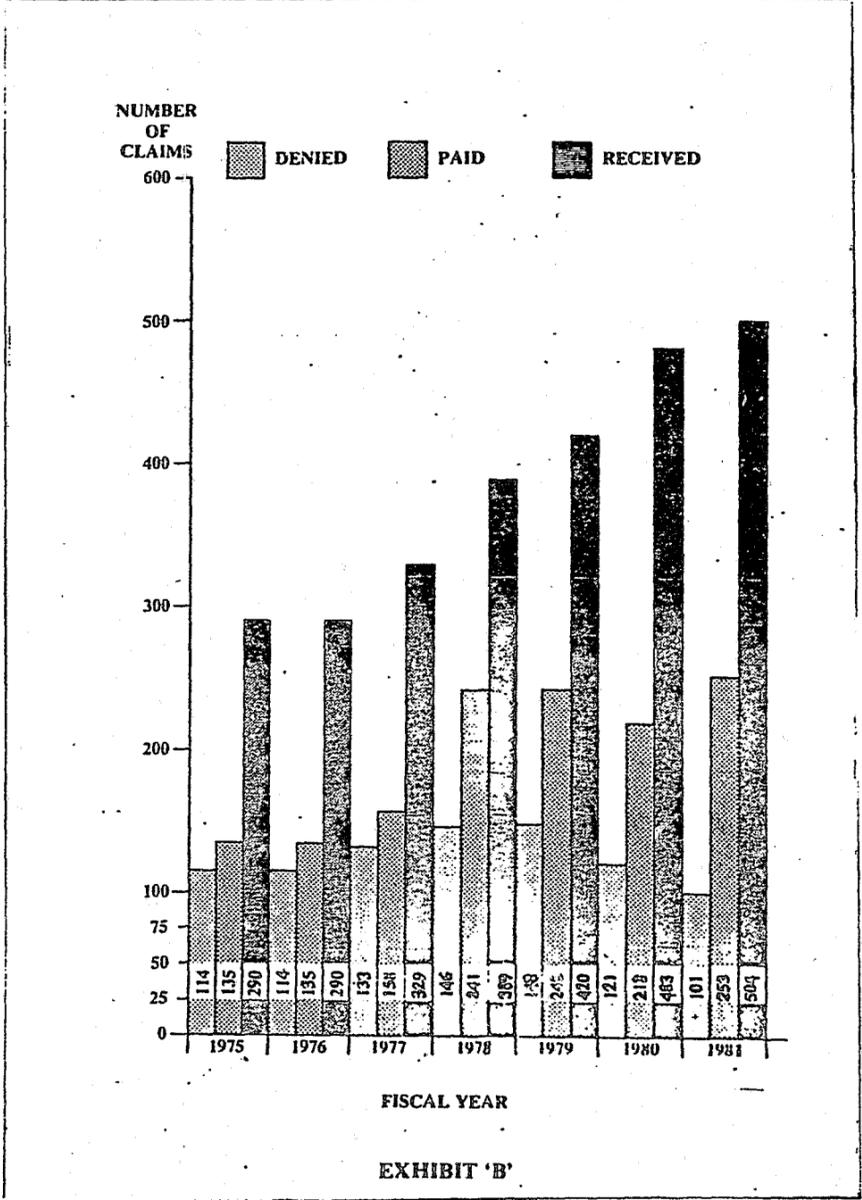
609.101 SURCHARGE ON FINES, ASSESSMENTS. When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$20 nor more than \$40. If the sentence includes payment of a fine, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, upon a showing of indigency or undue hardship upon the convicted person or his/her immediate family, waive payment or authorize payment of the assessment of surcharge in installments.

The court shall collect and forward the amount of the assessment or surcharge to the state treasurer to be deposited in the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through programs established under Sections 241.51 to 241.66, under Chap-

ter 256D and Chapter 299B, if the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the state treasurer. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Law 1981,C357 states in part:

\$600,000 the first year and \$650,000 the second year is for the Crime Victims Reparations Board. If any funds are generated by a penalty assessment and dedicated for use in paying crime victims, the unexpended funds in this activity intended for payments to crime victims shall cancel. Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.



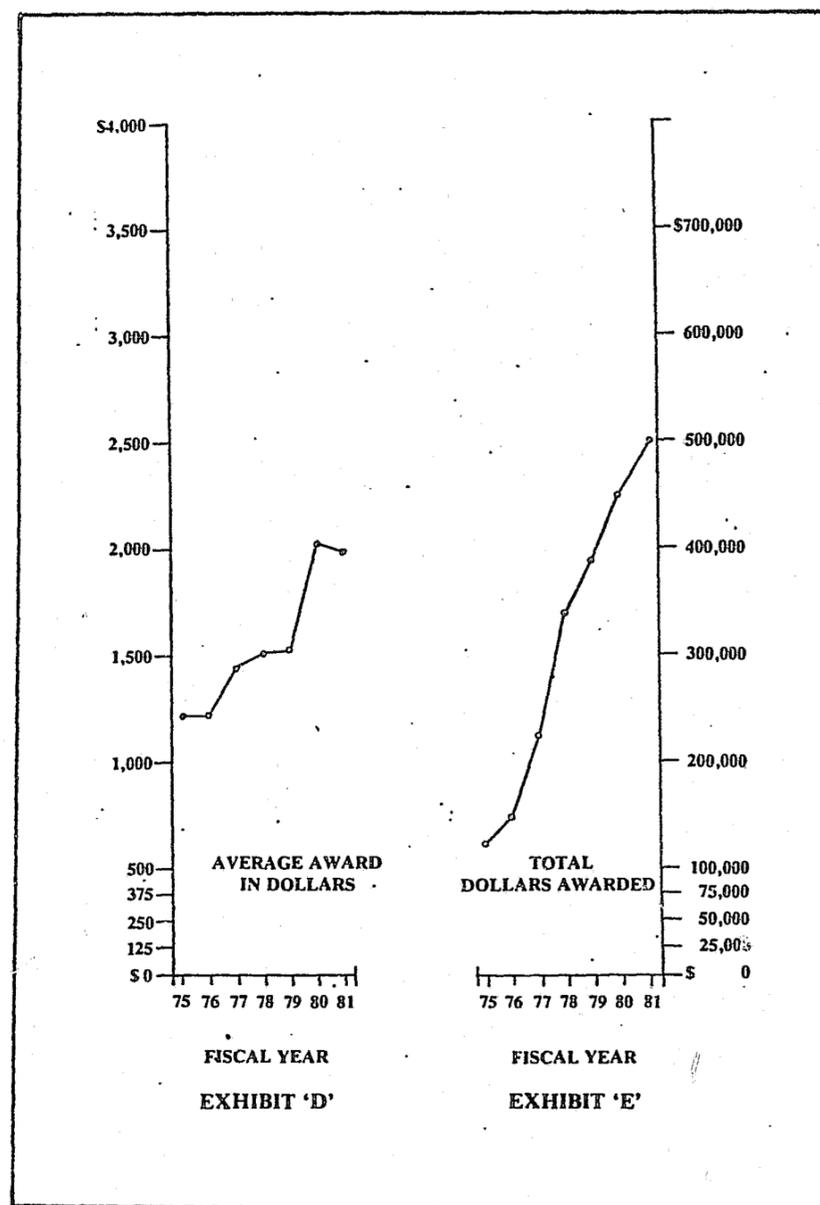


EXHIBIT 'F'

REPRESENTATION OF CLAIMS PAID AND DENIED

CLAIMS PAID

Assault

Case No. 1521-AS-81

On September 1, 1980 this 21-year old male claimant was visiting his girlfriend at her apartment on Russell Avenue North in Minneapolis. At 4:00 in the afternoon, two masked men broke into the apartment, robbed the claimant and his girlfriend and shot the claimant in the neck. No suspects have been apprehended. The claimant was an innocent victim of the crime and cooperated fully with the police. The claim was made for medical expenses totalling \$4,853.26. An award was made less the \$100.00 statutory deductible.

Paid: \$4,753.26

Case No. 1487-AS-80

On November 26, 1980 this 54-year old male claimant was returning home from work at about 1:30 a.m., and near 15th Street and Laurel Avenue in Minneapolis he was assaulted and robbed by two men. The victim received a chest injury, a fractured jaw, and was required to recuperate in a nursing home. The claimant was an innocent victim and cooperated with the police. No suspects were apprehended. The claimant made a claim for medical expenses and wage losses totalling \$14,623.70. After deducting collateral sources and the statutory deductible of \$100.00, an award was made.

Paid: \$1,965.40

Case No. 1454-AS-80

On October 19, 1980 this 27-year old female claimant was entering her apartment on Lyndale Avenue South in Minneapolis at about 2:00 a.m. when she was assaulted by someone wielding a baseball bat. She suffered a fractured skull and ear injury. She was an innocent victim of crime and cooperated with the police. No suspects have been found. The claimant submitted a claim for medical expenses and lost wages totalling \$1,452.55. The Minnesota Crime Victims Reparations Board took the \$100.00 statutory deduction and made an award.

Paid: \$1,352.55

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 1457-AS-80

On June 13, 1980 this 32-year old male claimant was assaulted for no apparent reason at about midnight as he stood at a bar having a glass of beer in a tavern on Superior Street in Duluth. The assailant struck him on the side of the head with an ashtray, leaving a four-inch cut on the claimant's neck and severing part of his ear. The claimant was an innocent victim and cooperated with the police. The assailant pled guilty to assault in the fourth degree. The claimant claimed medical expenses totalling \$238.86 after insurance payments had been made. The Minnesota Crime Victims Reparations Board took the \$100.00 statutory deductible and made an award.

Paid: \$138.86

Case No. 1278-AS-80

On May 9, 1980 this 33-year old male claimant was exiting the Eagles Club in Marshall when someone called his name and challenged him to fight, all without apparent reason. The claimant refused to fight and was then struck in the face, knocked to the ground, and suffered minor facial injuries and a fractured patella. The claimant was an innocent victim and cooperated with the police. The assailant was charged with assault. The claimant submitted a claim for medical expenses and wage losses totalling \$2,810.96 after insurance payments had been made. The Minnesota Crime Victims Reparations Board took the \$100.00 deduction and made an award.

Paid: \$2,710.96

Case No. 1139-AS-79

On September 7, 1979 this 21-year old female claimant was abducted by her estranged husband and taken to an apartment on Eric Street, S.E., in Minneapolis where he assaulted her and poured acid upon her face, neck, and chest. The claimant suffered medical expenses and wage losses exceeding \$100,000.00 at the time the claim was made, and such medical expenses and wage losses will continue in the future, due to the extensive and almost irreparable damage done to her face, neck, and chest by the acid. The claimant was an innocent victim of this crime and cooperated with the police. The Minnesota Crime Victims Reparations Board waived the prohibition against payment where the victim and assailant are related, due to the estrangement of the parties, the pending divorce action, the severity of the injuries, the malice shown by the assailant, and by the lack of any civil remedy of the claimant against the assailant due to the assailant's deportation to his native middle-eastern country. The assailant was convicted, spent less than one year in the Hennepin County Workhouse and was deported. The claim was made for medical expenses and lost wages. After deducting collateral sources and the \$100.00 statutory deductible, the Board made an award.

Paid: \$9,753.26

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 994-AS-79

On February 18, 1979 in the City of St. Paul, this 50-year old female claimant was assaulted as she left a fast-food restaurant. The claimant suffered soft tissue injuries only. The claimant was an innocent victim of crime and cooperated with the police. No suspect was apprehended. The claimant claimed medical expenses only in the amount of \$4,454.53. After deducting the collateral source payments and the \$100.00 deductible, an award was made.

Paid: \$1,951.07

Case No. 1086-AS-79

On June 8, 1979 in the City of Minneapolis, this 32-year old male claimant was assaulted for no apparent reason by four men, one with a shotgun and one other with a pipe wrench. The claimant suffered injuries to his head, face, mouth, leg, and eye, and also suffers emotionally from the assault. The claimant was an innocent victim of the crime and cooperated with the police. One suspect has been charged. The claim was submitted for medical expenses after insurance payments.

Paid: \$572.00

Case No. 1148-AS-79

On August 18, 1979 in the City of Warroad, this 18-year old female claimant was assaulted by a man wielding a hunting knife. The claimant was on the front steps of her home where a birthday party was in progress for her brother. The assailant was intoxicated and slashed the claimant's arm. The claimant was an innocent victim of the crime and cooperated with the police. The assailant was convicted and imprisoned. The claim was made for medical expenses only.

Paid: \$901.23

Case No. 1185-AS-79

On September 20, 1979 in the City of St. Paul, this 37-year old male claimant was out for a walk near his home on North Griggs Street when he was assaulted by a young man for no apparent reason. The claimant was beaten unconscious and suffered a fractured jaw. A bystander chased off the assailant and called the police. The claimant was an innocent victim and cooperated with the police. No suspect was apprehended. The claim was submitted for medical expenses after insurance payments. The Board deducted the \$100.00 deductible and made an award.

Paid: \$181.00

Exhibit 'F', Representation of Claims Paid and Denied (Con't)

Case No. 1207-AS-80

On October 21, 1979 in the City of Minneapolis, this claimant's 16-year old son was stabbed several times by another youth for no apparent reason. The claim was made for medical expenses after insurance payments. The victim was an innocent victim and cooperated with the police. The juvenile suspect was referred to juvenile court. The Minnesota Crime Victims Reparations Board deducted the \$100.00 statutory deductible and made an award.

Paid: \$13,182.84

Case No. 1235-AS-80

On January 17, 1980 in the City of Wayzata, this 55-year old female claimant was shot by her mentally disabled son with a shotgun and severely beaten. The claimant's husband and father of the assailant was murdered at the same time. The claim was made for medical expenses and lost wages of the claimant after insurance payments. The claimant was an innocent victim of crime and cooperated with police. The assailant was apprehended and committed to a mental institution. The Minnesota Crime Victims Reparations Board waived the prohibition against payment in cases involving relatives, then subtracted the \$100.00 deductible and made an award.

Paid: \$4,082.42

Case No. 1259-AS-80

During the month of February, 1975, in the City of Burnsville, this 48-year old male claimant was, unbeknownst to him, fed arsenic in the form of rat poison by his girlfriend. He suffered severe illness, paralysis, and is now totally disabled. The cause of his illness was never diagnosed. In April of 1979 the same girl poisoned her latest boyfriend, but her acts were discovered. She was charged with attempting to murder the second boyfriend. During her interrogation she volunteered that she had previously poisoned this claimant. This claimant was contacted by the police, aided in the prosecution of the assailant, and submitted a claim to the Minnesota Crime Victims Board albeit several years late. The Minnesota Crime Victims Reparations Board ruled, under statutory authority, that the initial poisoning could not have been reported to the police, as no crime was known to have been committed at the time, and that once a crime was determined to have been committed against this claimant, the police were timely notified and a claim was seasonably made to the Minnesota Crime Victims Reparations Board. The claimant was an innocent victim and cooperated with the police. The assailant was charged, tried, and convicted. Since the crime occurred in 1975, the maximum payment that could be awarded under the then existing law was \$10,000.00, although the claimant's claim greatly exceeded that maximum. The Minnesota Crime Victims Reparations Board waived the late reporting

Exhibit 'F', Representation of claims Paid and Denied (Con't.)

Case No. 1259-AS-80 (Con't)

to police, waived the late filing to the Board, and made the maximum award.

Paid: \$10,000.00

Case No. 1272-AS-80

On September 23, 1979 in the City of Minneapolis, this 68-year old female claimant was waiting for a bus on South Chicago Avenue when she was assaulted by a purse snatcher who knocked her to the ground. She suffered only minor injuries and her glasses were broken. She was an innocent victim and cooperated with the police. No suspect was apprehended. The Minnesota Crime Victims Reparations Board subtracted the \$100.00 deductible and made an award.

Paid: \$24.51

Case No. 1290-AS-80

On October 5, 1979 in the City of St. Louis Park, this 22-year old male claimant was leaving a local tavern when a motorcyclist suddenly assaulted him for no apparent reason. The claimant suffered a fractured cheekbone and other minor injuries. The claim was for medical expenses only. The claimant was an innocent victim and cooperated with the police. The Minnesota Crime Victims Reparations Board subtracted the \$100.00 deductible and made an award.

Paid: \$189.50

Case No. 1302-AS-80

On April 20, 1980 in the City of Minneapolis, this 18-year old male claimant was walking home on South Bloomington Avenue when he was assaulted by three men intending to rob him. The claimant had the tip of a finger cut off and suffered nerve and tendon damage in his hand due to a stab wound. The claim was made for medical expenses and wage loss. The claimant was an innocent victim and cooperated with the police department. No suspect was caught. The Minnesota Crime Victims Reparations Board reduced the claim for collateral source payments and by the \$ 100.00 statutory deductible and made an award.

Paid: \$383.12

Exhibit 'F', Representation of claims Paid and Denied (Con't.)

Case No. 1329-AS-80

On July 7, 1980 in the City of Oak Park, this 40-year old male claimant was struck in the arm by a blast from a shotgun. He had been out in the street looking for a car that had been speeding around the neighborhood. The claimant suffered permanent damage to his left arm. The claim was made for medical expenses and wage losses after insurance payments. The claimant was an innocent victim and cooperated with the police department. The assailant was charged. The Board subtracted the \$100.00 statutory deductible and made an award.

Paid: \$2,228.25

Case No. 1341-AS-80

On June 28, 1980 in the City of Bloomington, this 21-year old female claimant was assaulted by a young male who was intoxicated and for no apparent reason. She suffered eye and facial injuries. The claim was for medical expenses and wage losses after insurance payments. The claimant was an innocent victim and cooperated with the police department. The assailant was charged. The Board reduced the claim by the \$100.00 deductible and made an award.

Paid: \$1,099.13

Case No. 1391-AS-80

On July 16, 1980 in the City of Minneapolis, this 20-year old male claimant was riding his bicycle on South Clinton Avenue when he was assaulted by three men for no apparent reason. The claimant suffered dental damage and other minor injuries. The claimant was an innocent victim and cooperated with the police department. No assailants were found. The claim was made for medical expenses after insurance payments. The Board reduced the claim by the \$100.00 deductible and made an award.

Paid: \$430.20

Case No. 1428-AS-80

On August 10, 1980 in the City of Minneapolis, this 31-year old female claimant was assaulted in her home on Longfellow Avenue So. by her exhusband who has a history of mental disorders. She was stabbed with an ice pick, struck with a hammer, and gouged in the eyes. Her son was also assaulted. She made a claim for medical expenses and wage losses after insurance payments. She was an innocent victim and cooperated with the police department. The assailant was committed to a mental institution. The Board reduced the claim by the \$100.00 statutory deductible and made an award.

Paid: \$131.00

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Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Homicide

Case No. 403-H-81

On January 15, 1981 in the City of Duluth, St. Louis County, this claimant's 40-year old brother was shot and killed. The body was secreted in Carlton County and found on January 30, 1981. The victim was an innocent victim and the claimant is cooperating with the police. A suspect has been charged. The claim was made for the funeral bill, and the Minnesota Crime Victims Reparations Board made the maximum funeral award.

Paid: \$1,850.00

Case No. 392-H-80

On October 16, 1980 in the City of Minneapolis on Holden Avenue, this claimant's 25-year old wife had just left her place of employment with a co-worker when they were assaulted by three young men. This claimant's wife was beaten severely and raped. She died as a result of her injuries. The claim was made for medical and funeral expenses and for lost wages. The victim was an innocent victim, and the claimant cooperated with the police department. The three suspects, all juveniles, were apprehended and convicted. The Minnesota Crime Victims Reparations Board made reductions for collateral sources and for the \$100.00 deductible and made an award.

Paid: \$6,249.00

Case No. 388-H-80

On October 30, 1979 in the City of Minneapolis, this claimant, a funeral home, provided funeral services for the deceased, a nursing home resident who died in a fire at the nursing home. The fire was intentionally set by another resident of the nursing home. The deceased was an innocent victim of the crime of arson, cooperation with the police department was not an issue. The assailant has been committed to a mental institution. The claim was made for funeral expenses only. After deducting for collateral sources and the \$100.00 deductible, the Board made an award.

Paid: \$1,515.14

Case No. 322-H-79

On January 10, 1979 in the County of Clay, this claimant's 30-year old daughter was shot to death by her truck driver employer. She was killed apparently because she was attempting to quit working for the assailant and go to work for someone else. The claim is for funeral expenses and related costs. The deceased was an innocent

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Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 322-H-79 (Con't.)

victim, and the claimant cooperated with the police department. The assailant was charged and convicted. The Board reduced the claim by the \$100.00 statutory deductible and made an award.

Paid: \$2,045.59

Case No. 214-H-78

On February 10, 1978 in the City of Stillwater, these claimants' 36-year old mother was shot and killed by their father--the deceased's husband. The husband and wife were estranged at the time, pending a divorce action. The mother was the sole support of the three minor children. The claim was made for loss of support by the children. The deceased was an innocent victim, and the claimants cooperated with the police department. The assailant was charged and convicted. The Board made a reduction for the \$100.00 statutory deductible and made an award.

Paid: \$22,783.60

Mugging

Case No. 218-M-80

On May 2, 1980 in the City of Minneapolis at about 2:30 p.m., this 55-year old male claimant was walking down the street carrying a sixpack of beer when he was assaulted and robbed by a man and a woman. The claimant was knocked to the ground, suffering a skull fracture. The claimant was an innocent victim of crime and cooperated with the police. The two suspects have been charged with aggravated assault. The claimant submitted a claim for medical expenses and wage losses after insurance payments and welfare payments. After taking the \$100.00 statutory deductible, the Minnesota Crime Victims Reparations Board made an award.

Paid: \$2,850.08

Case No. 165-M-79

On March 24, 1979 in the City of Minneapolis, this 91-year old female claimant was assaulted and robbed in the hallway of her apartment building on South Third Avenue. She suffered a shoulder fracture and is confined now to a nursing home. She also suffered a rupture of a brachial artery. The claim was made for medical expenses and nursing home care after medicare and other collateral source payments. The claimant was an innocent victim and cooperated with the police department. No assailant was found. The Minnesota Crime Victims

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 165-M-79 (Con't.)

Reparations Board reduced the claim for the \$100.00 statutory deductible and made an award.

Paid: \$11,173.80

Case No. 200-M-80

On December 13, 1979 in the City of Minneapolis in a parking lot on South Hennepin Avenue, this 55-year old female claimant was assaulted during an attempted purse snatch. She was thrown to the ground and beaten by her attacker, suffering head and dental injuries. The attacker was frightened off by police sirens. The claim was for medical expenses after insurance payments. The claimant was an innocent victim and cooperated with the police department. No assailant was caught. The Minnesota Crime Victims Reparations Board reduced the claim for the \$100.00 statutory deductible and made an award.

Paid: \$345.00

Case No. 220-M-80

On January 4, 1980 in the City of Bemidji, this 20-year old male claimant was parking his car when he was assaulted and robbed. The claimant suffered dental damage and a fractured nose and lost time from work. The claim was for medical expenses and wage losses. The claimant was an innocent victim and cooperated with the police department. No assailants were caught. The Board reduced the claim by the \$100.00 statutory deductible and made an award.

Paid: \$1,132.58

Case No. 222-M-80

On July 1, 1980 in the City of Minneapolis, this 78-year old female claimant was a victim of a purse snatcher. She was walking on First Avenue So. when assaulted. She was thrown to the ground, suffering a bone fracture and other minor injuries. She was an innocent victim and cooperated with the police department. The claim is for medical expenses after insurance payments. The Board reduced the claim by the \$100.00 statutory deductible and made an award.

Paid: \$361.00

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Sexual Assault

Case No. 194-R-80

On April 18, 1980 in the City of St. Cloud, this 24-year old female claimant was raped several times in her own home by a man who gained entrance under the pretext of needing help. The claimant suffered only minor injuries but lost time from work while recovering. She was an innocent victim of crime and cooperated with the police. A suspect has been charged. The Minnesota Crime Victims Reparations Board made collateral source reductions including the \$100.00 statutory deductible and made an award.

Paid: \$809.00

Case No. 204-R-80

On October 7, 1980 in the City of St. Paul at about 4:00 a.m., this 19-year old female claimant was sexually assaulted in her home on West 7th Street by a man who gained entrance under the pretext of needing to use the telephone. The claimant was choked, stabbed, and raped. She submitted a claim for medical expenses and lost wages. She was an innocent victim of crime and cooperated with the police. A suspect has been charged. After reducing the claim by the statutory deductible of \$100.00, the Minnesota Crime Victims Reparations Board made an award.

Paid: \$3,812.15

Case No. 208-R-80

On December 28, 1979 in St. Louis Park, this 31-year old female claimant was sexually assaulted by a man who broke into her apartment on Oak Park Village Drive at about 3:00 a.m. She suffered only minor physical injuries but lost wages during her recuperation. She was an innocent victim of crime and cooperated with the police. The assailant was sentenced to Stillwater Prison for burglary. The Minnesota Crime Victims Reparations Board reduced the claim by \$100.00 for the statutory deductible and made an award.

Paid: \$1,093.28

Case No. 228-R-81

Over a period of time from 1973 to 1979, while this claimant's daughter was from age 3 years to age 9 years, she was sexually abused by her grandfather. The events occurred in the City of Blaine, Mn.

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 228-R-81 (Con't.)

The victim is an innocent victim and the claimant cooperated with the police. The grandfather was convicted and placed on probation for five years to undergo counseling. The claim was made for counseling expenses for the victim after insurance payments. The Minnesota Crime Victims Reparations Board reduced the claim by the \$100.00 statutory deductible and made an award.

Paid: \$106.50

Case No. 121-R-78

On November 2, 1978 in the City of Minneapolis, this 30-year old female claimant was jogging along the West River Road when she was assaulted by a young man. Her arm was fractured in the assault. She was dragged over an embankment and raped at knife point. Her physical injuries were covered by insurance. The claim was made for psychological counseling only. The claimant was an innocent victim, and she cooperated with the police department. No assailant was found. The Board reduced the claim for the \$100.00 deductible and made an award.

Paid: \$262.00

Case No. 123-R-79

On August 27, 1978 a crime of sexual abuse was reported by this claimant. Her 16-year old daughter had been continually molested over a period of time in Minneapolis by an uncle. This final episode resulted in acute and chronic psychological disorders to the girl. The claim is for psychological and psychiatric counseling and institutionalization costs after insurance payments. The girl was an innocent victim and cooperated with the police department. The uncle was not tried pending psychological counseling. The Minnesota Crime Victims Reparations Board reduced the claim for all collateral sources and for the \$100.00 statutory deductible and made an award.

Paid: \$15,499.84

Case No. 142-R-79

On August 9, 1979 this claimant's 14-year old daughter was assaulted by a man who broke into the claimant's house in East Grand Forks. The assailant was armed with a knife and also assaulted the claimant's father and a son of the claimant. The girl suffered no physical injuries but does suffer emotional problems. The claim is

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 142-R-79 (Con't.)

for the costs of psychological counseling. The girl was an innocent victim and cooperated with the police department. The assailant has been charged. The Board reduced the claim for insurance payments and for the \$100.00 statutory deductible and made an award.

Paid: \$761.20

Case No. 159-R-79

On November 18, 1979 in the City of Winona, this 19-year old female claimant was leaving a local tavern when she was assaulted and raped by two of three young men. She was not physically injured but did have a small medical expense and did lose some time from work. She was an innocent victim and did cooperate with the police department. There were no assailants found. The Board reduced the claim by the \$100.00 statutory deductible and made an award.

Paid \$60.30

Case No. 186-R-80

On May 21, 1980 in the City of Oakdale, this 30-year old female claimant was a victim of an assault and attempted rape in the parking lot of her apartment building. She suffered a fractured nose and other minor injuries. The claimant was an innocent victim of crime and cooperated with the police department. There were no assailants found. The claim was made for medical expenses and wage losses. The Board reduced the claim for the \$100.00 statutory deductible and made an award.

Paid: \$128.15

Case No. 207-R-80

On August 11, 1980 in the City of Minneapolis, this 50-year old female claimant was at home in her apartment on Groveland Avenue when an intruder broke in and sexually assaulted her. She suffered dental damages and has made a claim for the dental bill. She was an innocent victim and cooperated with the police department. No assailant has been found. The Board reduced the claim by the statutory deductible of \$100.00 and made an award.

Paid: \$150.00

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Claims Denied

Case No. 150-R-79

On August 1, 1977 in the City of St. Paul, this claimant claims her 17-year old daughter was abducted and raped and has been held captive for two years. In fact, the claimant's parental rights had been terminated in 1977, the daughter was alive and well living in a foster home and attending high school. The daughter was contacted personally and denied the events as set forth by the claimant and alleged her mother to be mentally unstable. The Minnesota Crime Victims Reparations Board found no crime to have been committed.

Claim denied.

Case No. 161-R-79

On December 11, 1979 in the City of St. Paul, this 18-year old female claimant was assaulted by a man demanding sex. The claimant managed to get away from him and was only slightly injured. The total medical bills after insurance payments were less than the statutory deductible of \$100.00.

Claim denied.

Case No. 28-PP-79

On August 19, 1978 in the City of St. Anthony, this 56-year old female claimant alleges to have been a victim of a burglary by her ex-husband who stole her money and clothing and apartment building. There was no personal injury and no violent compensable crime.

Claim denied.

Case No. 1196-AS-79

On September 10, 1979 in the City of Felton, Minnesota, this 39-year old male claimant was assaulted for no apparent reason. His total claim was \$158.00 and he received medical assistance, food stamps, and general assistance in excess of his losses from St. Louis County Welfare. Thus, there was no economic loss to the claimant.

Claim denied.

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 1262-AS-80

On February 17, 1980 in the City of Richfield, this 24-year old female claimant stopped to help a stranded motorist who assaulted her. She filed her original claim form but then declined to proceed further and would not submit her medical expenses or lost wage claim. The Board held the file open for one year.

Claim denied.

Case No. 1293-AS-80

On May 20, 1979 in the City of Minneapolis, this 40-year old male claimant was assaulted as he left a grocery store. The claimant refused to submit his medical bill and wage loss data after numerous requests. The claim was held open for one year.

Claim denied.

Case No. 1335-AS-80

On March 21, 1980 in the City of St. Paul, this 45-year old female claimant was assaulted in a restroom of a local tavern. She did not report the assault until April 4, 1980. She named the suspect but refused to prosecute and refused to answer any police department questions. The failure to report the crime within five days and her lack of cooperation resulted in a denial.

Claim denied.

Case No. 1367-AS-80

On July 11, 1980 in the City of St. Paul, this 19-year old male claimant was attending a large party where several fights broke out. The claimant participated in one of those fights and suffered minor injuries. Although he reported the event to the police at the scene, he refused to cooperate further in the investigation and declined to provide any further information to the Minnesota Crime Victims Reparations Board.

Claim denied.

Case No. 1388-AS-80

On August 1, 1980 in the City of Mankato at about midnight, this 33-year old female claimant was accosted in a parking lot. The assailant knocked her to the ground and jumped on top of her. He fled when she screamed. Her injuries were minor and her losses were less than the \$100.00 deductible.

Claim denied.

Exhibit 'F', Representation of Claims Paid and Denied (Con't.)

Case No. 1427-AS-80

On September 1, 1980 in the City of Minneapolis, this 35-year old male claimant was involved in a fight in a bar over a pool game. He waited five days to report the incident to the police and then failed to furnish requested additional information to the Minnesota Crime Victims Reparations Board. The claim was left open for a reasonable period and then closed.

Claim denied.

Case No. 1459-AS-80

On July 19, 1980 in the City of Minneapolis, this 24-year old male claimant was assaulted as he slept in his own home by an apparent burglar. The claimant suffered only minor injuries. The assailant was apprehended, tried and found guilty and paid restitution sufficient to cover all of the claimant's losses thus putting the claimant under the \$100.00 deductible.

Claim denied.

Case No. 1490-AS-80

On October 13, 1980 in the City of St. Paul, this 30-year old male claimant was shot in his own apartment by another man that he had met in a bar and brought home with him. Both men had pistols and began shooting at each other. The claimant was wounded. When the police arrived, they discovered a large amount of drugs and both pistols which were stolen. The claimant refused to give a statement to the police and refused to prosecute. The claimant was not an innocent victim and failed to cooperate with the police.

Claim denied.

Case No. 1604-AS-81

On April 13, 1980 in the City of Crookston, this 47-year old female claimant was walking home in the early evening when she was accosted by a man who ordered her into his car at knife point. When she resisted, he stabbed her several times. The assailant was apprehended, tried and convicted, and is in prison. The claimant did not file her claim until June 25, 1981, two months after the one year statute of limitations had expired.

Claim denied.

END