



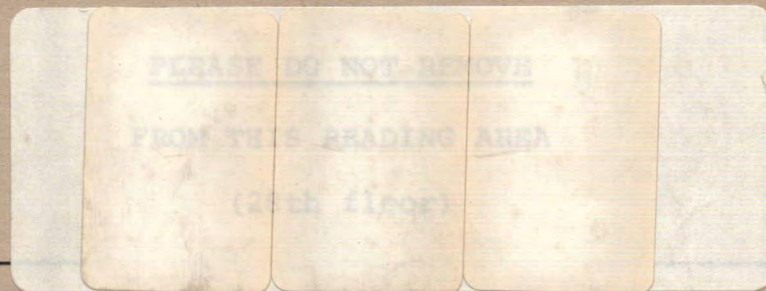
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CRIME VICTIMS

Working Paper No. 1

COSTS AND METHODS OF FINANCING CRIME VICTIM COMPENSATION PROGRAMS IN THE UNITED STATES



Research and Statistics Section
Policy Planning and Development Branch

Canada

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COSTS AND METHODS OF FINANCING CRIME
VICTIM COMPENSATION PROGRAMS IN THE UNITED STATES

By

Sylvie Vallières

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Department of Justice of Canada.

The views expressed in this report are those of the author
and do not necessarily represent the ideas and policies of
the Department of Justice of Canada.

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INTRODUCTION

Although the idea of compensating the innocent victims of criminal acts is as old as the Code of Hammurabi, the first modern compensation scheme was not enacted until 1963 in New Zealand. It was closely followed by a similar program in England in 1964. The first US scheme was introduced in California in 1965. Since that time, thirty-five American states have launched similar programs.¹

The literature of criminology offers many rationales for this innovation. Sometimes they are humanitarian (sensitivity to victim's needs), sometimes theoretical (social responsibility versus the state's obligation to compensate victims of crime), or lastly, and more pragmatically, they may derive from the need to encourage victims of criminal acts to participate in the arrest and conviction of offenders.

Apart from some doubts about the legitimacy of this type of program, expressed by those who believe in individual as opposed to collective responsibility in

1. See Appendix for a list of these programs and their standing in the state structure.

criminal matters and certain authors² who criticize the very notion of victim, the chief opposition to these programs is directed toward their costs.

Debate concerning federal legislation in this area centers entirely on the differing estimates of the costs of such schemes.³ Since they vary between \$22 and \$500 million, unanimity is a distant prospect! This uncertainty has been a major impediment to the passage of federal legislation and has led the states to rely solely on their own resources. The political and social ramifications of the various methods of financing these programs have so far received little investigation.

This brief survey does not propose to analyze every aspect of every scheme. It will instead endeavour to present as much information as possible concerning costs and methods of financing compensation programs in the US and to indicate the principal issues involved. In the first part, data relating to administrative and compensation costs will

2. On this subject, see Mueller G.O.W., Compensation for victims of crime: thought before action, in Criminological Controversies, Appleton Ed., New York, 1968; Quinney R., Who is the victim? in Criminology: an Interdisciplinary Journal, vol. 10, no. 3, November 1972; and Miers D., Victim compensation as a labelling process in Victimology, vol. 5, no. 1, 1930.
3. On this topic, see Meiners R.E., Victim Compensation, Toronto: Lexington Books, 1978.

be presented, while the second part will be devoted to a discussion of various methods of financing, whether through federal government subsidies or through various methods of recovery at this state level.

THE COSTS OF COMPENSATION PROGRAMS

1. The costs of compensation programs

Any useful discussion of the methods of funding victim compensation programs must be preceded by at least a brief look at the operating costs of such schemes. At the risk of stating the obvious, it is because of the costs involved that methods of raising funds must be found. These expenses often shape the policies governing the various programs. Decisions as to which individuals should receive compensation and under what circumstances are often made on the basis of the estimated costs, as a brief discussion of the costs of extending compensation to crime victims will make clear.

Operating costs involve two types of expenditure: those related to program administration and those related to the compensation paid to victims. Because of the many differences in the various state schemes with respect to eligibility criteria for recipients, numbers of applications for compensation, types of loss covered and so forth, there are often considerable differences in the operating costs of the various programs.

1.1 Administrative costs

The existence of dissimilar policies makes comparison of the programs difficult. Although such variations are sometimes merely formal, on other occasions there are substantial differences in the classification systems used by the programs. Since this is true of the categories used to describe administrative costs, the latter must be viewed with caution.

Administrative expenses generally consist of office costs, upkeep, salaries, any costs in short relating to the activities and operation of compensation boards. In the first years of operation, such costs may also include expenditures for the kinds of equipment required by any new organization.

Administrative costs for various compensation schemes in 1978-79 and 1980-81 are indicated below in Tables 2 and 3. These tables show significant variations in the ratio of administrative costs to total costs for the various programs. In 1978-79, they varied between 3 and 42 per cent, while in 1980-81, the variation was between 9 and 42 per cent.

These differences may be due to a number of factors such as the use of more efficient procedures in lower costs for certain programs, or legislative ceilings on administrative expenses. However, there seems to be very little information available on this subject.

A study by the Criminal Justice Research Utilization Program,⁴ however, tried to determine whether such variations in administrative costs were due to the board's placement in the state structure and/or the length of time the schemes had been in operation. Table 3, which combines information on these two subjects, shows that despite the belief that programs operating within existing agencies or through the courts have lower administrative costs, the board's placement within the government structure makes no particular difference. Among the programs in the "new agency" category, there are significant differences in administrative costs (between 9 and 79 per cent).

Although the years-in-operation variable does not seem to explain variations in administrative costs, it

4. U.S. Department of Justice. National Institute of Justice, Criminal Justice Research Utilization Program. Compensating Victims of Crime, Program Model, 1979.

does indicate that these expenses generally tend to decrease once the program has been operating for a few years. According to the same study, this is in part due to the fact that administrative costs appear disproportionately high at the beginning of the program, because the volume of compensation payments is lower.

TABLE 2

ADMINISTRATIVE COSTS OF STATE VICTIM COMPENSATION PROGRAMS,
1978-79A

STATE & BUDGET DATE	ADMINISTRATIVE COSTS	TOTAL PROGRAM COST
ALASKA (7/1/78 - 6/30/79)	\$ 91,456.15 29%	\$ 317,094.97
CALIFORNIA (7/1/78 - 6/30/79)	464,826.00 10%	4,717,474.00
CONNECTICUT (4/1/79 - 9/30/79)*	12,956.46 8%	15,663.53
DELAWARE (7/1/78 - 6/30/79)	122,900.00 3%	328,700.00
FLORIDA (1/1/79 - 12/31/79)	522,509.00 25%	2,090,036.00
GEORGIA	N/A	N/A (1)
HAWAII (7/1/73 - 6/30/79)	86,357.00 28%	309,753.45
ILLINOIS (7/1/78 - 6/30/79)	182,000.00 10%	1,882,000.00
INDIANA (6/1/78 - 5/31/79)	50,000.00 42%	120,000.00
KANSAS (7/1/78 - 6/30/79)	17,944.00 33%	54,071.00
KENTUCKY (7/1/79 - 6/30/79)	N/A (2)	226,907.77
MARYLAND (7/1/78 - 6/30/79)	143,604.00 9%	1,602,834.49
MASSACHUSETTS (7/1/78 - 6/30/79)	N/A (2)	1,411,289.69

TABLE 2 (CONT'D)

STATE & BUDGET DATE	ADMINISTRATIVE COSTS	TOTAL PROGRAM COST
MICHIGAN (10/1/78 - 9/30/79)	\$ 92,465.00 8%	\$1,205,148.00
MINNESOTA (7/1/78 - 6/30/79)	54,422.00 12%	441,530.00
MONTANA (1/1/79 - 12/31/79)	31,400.00 19%	162,410.39
NEBRASKA (1/1/79 - 12/31/79)	27,267.00	27,267.00 ⁽³⁾
NEVADA (7/1/78 - 6/30/79)	N/A	N/A ⁽¹⁾
NEW JERSEY (7/1/78 - 6/30/79)	230,089.00 19%	1,232,335.00
NEW YORK (4/1/78 - 3/31/79)	859,811.00 14%	6,217,613.00
NORTH DAKOTA (7/1/77 - 6/30/79)**	36,832.02 18%	205,181.23
OHIO (7/1/78 - 6/30/79)	746,524.32 17%	4,483,759.32
OREGON (1/1/78 - 12/31/79)**	161,000.00 23%	711,000.00
PENNSYLVANIA (7/1/78 - 6/30/79)	242,000.00 26%	942,000.00
RHODE ISLAND (1/1/79 - 12/31/79)	N/A	N/A ⁽⁴⁾
TENNESSEE (1/1/79 - 9/30/79)*	N/A ⁽²⁾	144,371.63
TEXAS (1/1/79 - 12/31/79)	N/A	N/A ⁽⁵⁾

TABLE 2 (CONT'D)

STATE & BUDGET DATE	ADMINISTRATIVE COSTS	TOTAL PROGRAM COST
VIRGIN ISLANDS (1/1/79 - 12/31/79)	\$ 15,905.16 11%	\$ 149,061.45
VIRGINIA (7/1/78 - 6/30/79)	30,365.00 12%	260,865.00
WASHINGTON (7/1/78 - 6/30/79)	131,106.00 9%	1,432,760.00
WISCONSIN (1/1/79 - 12/31/79)	99,200.00 10%	999,200.00
TOTALS	\$4,452,939.11	\$31,690,326.92(6)

* Denotes a period of time other than exactly one year.

** Denotes a biennial period.

- (1) Nevada and Georgia have "Good Samaritan" laws which award compensation to victims only if they were injured while attempting to prevent the commission of a crime against another.
- (2) Because administrative costs for the victim compensation program are combined with other functions, the administrative cost is not available.
- (3) To project the costs of administering the program, the Nebraska legislature provided only an administrative budget.
- (4) Rhode Island has passed a statute which will establish a crime victim program should Federal funds become available.
- (5) The Texas program began January 1, 1980.
- (6) The reader is reminded there are a number of "not available" (N/A) figures above, and this "total" represents only partial expenditures in the aggregate.

A Reproduced from the U.S. National Institute of Justice, Office of Development Testing and Dissemination. Compensating Victims of Crime, Participant's Handbook. Austern, D. et al., 1979: 77-78.

TABLE 3

COST OF STATE CRIME VICTIM COMPENSATION, 1980-81¹

STATE	ADMINISTRATIVE COSTS	BUDGET PAYMENTS	TOTAL COST
ALASKA	\$ 102,200 - 30%	\$ 237,100	\$ 339,300
CALIFORNIA	1,805,438 - 12%	12,770,141	14,575,579
CONNECTICUT	87,650 - 12%	632,000	719,650
DELAWARE	140,350 - 37%	241,804	382,154
FLORIDA	380,000 - 11%	1,800,000	2,180,000
HAWAII	77,418 - 15%	432,513	509,931
ILLINOIS	232,900 - 10%	2,078,000	2,310,900
INDIANA	NOT AVAILABLE	-	-
KANSAS	61,883	173,142	235,025
KENTUCKY	-	-	-
MARYLAND	782,281 - 36%	1,415,472	2,197,753
MASSACHUSETTS	-	-	-
MICHIGAN	158,195 - 9%	1,822,605	1,980,800
MINNESOTA	73,995 - 11%	573,089	647,084
MONTANA	50,536 - 16%	271,023	321,559
NEBRASKA	42,000 - 42%	57,686	99,686
NEVADA	-	-	-
NEW JERSEY	400,000 - 17%	1,953,996	2,353,996
NEW MEXICO	-	-	-
NEW YORK	1,081,730 - 16%	5,750,549	6,832,279

TABLE 3 (CONT'D)

STATE	ADMINISTRATIVE COSTS	BUDGET PAYMENTS	TOTAL COST
NORTH DAKOTA	\$ 46,772 - 35%	\$ 88,373	\$ 135,145
OHIO	1,531,279 - 17%	7,654,240	9,188,519
OKLAHOMA	33,333	7,484	40,817
OREGON	104,000 - 17%	519,000	623,000
PENNSYLVANIA	252,000 - 24%	816,000	1,068,000
RHODE ISLAND	-	-	-
TENNESSEE	-	-	-
TEXAS	263,886 - 21%	988,182	1,252,068
VIRGIN ISLANDS	16,000 - 12%	121,967	137,967
VIRGINIA	54,775 - 11%	430,687	485,462
WASHINGTON	250,000 - 10%	2,378,634	2,628,634
WEST VIRGINIA	-	-	-
WISCONSIN	200,000	1,200,000	1,400,000

1 Data derived from the National Association Victim Compensation Program of U.S. Victim Compensation Program, unpublished text, 1982.

TABLE 4

ADMINISTRATIVE COSTS AS A PERCENTAGE OF TOTAL BUDGET BY
PROGRAM PLACEMENT AND YEARS IN OPERATION¹

YEARS IN OPERATION	NEW AGENCY	EXISTING AGENCY	COURT
1 - 4	MICHIGAN 11%	WISCONSIN 15%	OHIO 29%
	DELAWARE 36%	VIRGINIA 23%	
	PENNSYLVANIA 40%	MONTANA 36%	
	FLORIDA 79%	OREGON 38%	
		NORTH DAKOTA 39%	
	<u>AVERAGE:</u> 42%	<u>AVERAGE:</u> 30%	<u>AVERAGE:</u> 29%
5 - 9	MINNESOTA 13%	WASHINGTON 14%	
	NEW JERSEY 17%		
	ALASKA 21%		
	<u>AVERAGE:</u> 17%	<u>AVERAGE:</u> 14%	
10 - 14	CALIFORNIA 9%		
	MARYLAND 11%		
	NEW YORK 20%		
	<u>AVERAGE:</u> 15%		

¹ Reproduced from the U.S. Department of Justice National Institute of Justice, Criminal Justice Research Utilization Program. Compensating Victims of Crime, Program Model, 1979: 157.

1.2 Costs of compensation awards

The largest part of the budget for these programs is naturally devoted to compensating the victims of "criminal acts". It is chiefly in response to this particular expense that various policies have been developed in the hope of keeping program costs manageable. Examination of the costs of compensation will provide an opportunity to discuss the significance of these policies in relation to their functions, consequences and ramifications, factors which, as will be seen later, are closely linked to practical decisions regarding the choice of funding methods.

It is not the purpose of this survey to make a detailed comparison of the various policies in all the programs. It will suffice to mention the most important and those most likely to have an effect on program costs.⁵

5. The data presented in this section has been drawn mainly from the legislative analyses of various programs as reported in: U.S. Department of Justice: National Institute of Justice, Office of Development, Testing and Dissemination. Compensating Victims of Crime, Participant's Handbook, 1979.

1.2.1 Coverage

Any compensation scheme must determine what kinds of losses may be compensated and for which "crimes" the victim may request compensation. Generally speaking, all programs cover medical and sometimes non-medical but remedial care -- such as rehabilitation (California, North Dakota, Kansas, Ohio) or psychiatric care (Minnesota, Texas, Wisconsin). Some states also cover expenses related to certain items such as artificial limbs (Wisconsin). Some jurisdictions (Florida, Pennsylvania) cover expenses arising from a particular treatment required by certain religions.

Similarly, most of the programs cover actual losses and sometimes past and even future earnings. Some states impose a weekly, monthly or overall limit (Kentucky \$150.00/wk, Tennessee \$500.00/month, Michigan \$150.00/wk, Oregon \$10,000.00 total). There are also states which reimburse the cost of job retraining (Alaska, California, Nebraska, Ohio).

Some programs have provisions for compensating the victim's loss of "service" to his dependants (North Dakota, Virginia), while many other programs compensate dependants only if the victim has died. In this case,

most programs reimburse funeral expenses and loss of financial support to the dependants. Some states set a maximum on such awards. Washington even makes a distinction in the amount of award according to whether or not the victim was employed at the time of the incident.

Generally speaking, an award is made only for a victim's physical injury or death. Some states have decided, however, to include pain and suffering as possible grounds for compensation (Hawaii, Rhode Island, Tennessee; only in the case of sexual deviance and rape, Virgin Islands: \$500.00 maximum per month). Most states do not compensate victims for loss of property, with the exception of Georgia whose legislation covers only Good Samaritans, individuals who assist in the apprehension of an offender or in the prevention of a crime and who may receive compensation for property damage. Finally, legal fees are covered in most cases. The various compensation schemes provide that a certain percentage of the award (which may vary between 5 and 20 per cent) may be used for this purpose. Such fees may either be paid in addition to the compensation, or be included in it. It should be noted that some states have a special provision to

cover other expenditures which their compensation boards deem appropriate and reasonable.

Some states provide a detailed schedule of the various crimes covered by their schemes, while others find it sufficient merely to mention any crime against the person or involving violence. The disadvantage of such schedules is that they risk limiting and even preventing certain awards which are, nevertheless, justifiable. Some states make all crime eligible (eg: Nevada, Maryland, New York). Most programs exclude any offence related to motor vehicles, unless injury or death was intentionally inflicted.

1.2.2 Eligibility

There are several criteria for deciding who is eligible for compensation. Most programs define the victim as anyone who sustains injury or death as a result of a crime or while attempting to apprehend an offender or assist a peace officer in arresting and convicting a suspect. Georgia and Illinois, among others, specify that application must be made by the police officer. Maryland also provides that the recipient may be a person who helps a fireman in the performance of his duties. Unlike other programs,

Nevada, Washington and Texas further require that the recipient must be a state resident.

Among those eligible for compensation, apart from the victim himself, most programs include dependants, especially when the victim dies. Some states also include any person responsible for the support of the victim or his dependants who has experienced a pecuniary loss. Some states make any individual eligible who pays funeral or medical expenses arising from the victim's death.

It seems that in order to lessen the risk of making inappropriate awards, most programs have developed two explicit criteria based on the victim's behaviour and the possibility of his "collusion" with the offender. The first usually provides that when the amount of the award is being determined, the board may reduce and even deny compensation if the applicant contributed to his own injury or death by his conduct. California and Connecticut are the only schemes that do not contain such a provision. The second criterion is designed to prevent any related person, often including those within the third degree of consanguinity or living with the offender at the time of the occurrence, from applying for compensation. Some states also

specify that an accomplice or member of his family is ineligible. Some programs, however, provide that it may be possible to ignore the provisions against making awards to relatives of the offender if justice so demands (for example, North Dakota, Ohio). Florida is the only state not to have such a criterion.

Other criteria for eligibility are essentially intended to encourage and even compel the victim to co-operate with the law enforcement agencies responsible for the arrest and prosecution of the offender. However, this criterion is not a feature of every scheme (seventeen out of thirty-one contain no such provision). Among those that do, some systematically exclude unco-operative victims, while others provide for a discretionary refusal or reduction in the amount of compensation awarded.

With the exception of California, Delaware, Hawaii and Rhode Island, almost all schemes require notification of the police within a certain time limit. The notification period may vary between twenty-four hours and seven days after commission of the crime, although some programs provide for an extension of this period until an information can reasonably be laid. Most programs also set a time

limit for applying for compensation, which may vary between one month and two years, beginning on the date of the incident or occasionally on the victim's death. An extension may be granted if there is sufficient reason.

Other criteria have also been developed for the sole purpose of holding down potential program costs. Slightly over half the programs (sixteen out of thirty-one) have a minimum loss provision according to which an application may not be filed for losses below a certain amount, which may vary from \$25.00 to \$250.00 or represent a percentage of income. Some states even provide for the deduction of this minimum loss from whatever award is made. A study on the potential costs of compensation programs⁶ has shown, however, that while the number of applications for compensation may vary depending on the presence or absence of such a provision, medical expenses and to some extent reimbursements for loss of earnings do not vary accordingly (see Table 5).

6. National Criminal Justice Information and Statistic Service. L.E.E.A., Compensating Victims of Violent Crimes: Potential Costs and Coverage of a National Program. Garofalo, J., and Sutton, P., 1978.

TABLE 5

ESTIMATED AMOUNTS OF MEDICAL AND EARNINGS REIMBURSEMENTS REQUIRED FOR NATIONAL VICTIM COMPENSATION PROGRAMS USING THREE DIFFERENT MINIMUM LOSS CRITERIA: UNITED STATES, 1974¹

	\$100 minimum net cost	\$50 minimum net cost	No minimum net cost
Medical reimbursements:			
Program Cost	\$20,523,296	\$21,608,240	\$22,575,545
Percent and number of cases ^a	25% (19,176)	44% (33,739)	100% (76,696)
	More than 10 days lost minimum	More than 5 days lost minimum	No minimum days lost
Earnings reimbursements:			
Program cost ^b	\$25,023,262	\$33,166,029	\$56,331,127
Percent and number of cases ^c	17% (98,002)	23% (134,186)	100% (575,382)

- a. Based on total number of victimizations involving some net medical costs. Total number assumed to be 76,696.
- b. Costs have been arbitrarily discounted by 50 percent to account for reimbursement through Workers' Compensation, sick pay, and other sources.
- c. Based on total number of victimizations involving some time lost from work.
- 1. Reproduced from the National Criminal Justice Information and Statistic Service. L.E.A.A., Compensating Victims for Violent Crimes: Potential Costs and Coverage of a National Program. Carofalo, J., and Sutton, P. 1978: 35.

Another criterion that often appears in such programs concerns the victim's obligation to demonstrate genuine financial hardship. Although the degrees of financial hardship needed to qualify varies, jurisdictions that use this criterion reserve the right to refuse or reduce the amount of the award accordingly. However, this criterion has been the subject of lively debate between states and other agencies involved since eighteen states out of thirty-one refuse to adopt a criterion in the belief that recipients of compensation awards should not be subjected to the same requirements as those served by social welfare programs.

It should also be pointed out that all programs set a maximum limit for compensation awards and also provide for the deduction of any collateral benefits (Workman's Compensation Board, recovery by a civil suit, private insurance and so forth). However, Minnesota, Hawaii, Illinois and Indiana provide a total or partial payment from life-insurance policy need not be deducted.

Tables 6 and 7, which illustrate the costs of compensation programs in 1978-79 and 1980-81, show real growth in the amounts allocated for such expenditures,

with the exception of Alaska and the Virgin Islands, where, in comparison to other schemes, increases are relatively small.

TABLE 6.

BENEFIT PAYMENTS OF STATE CRIME VICTIM COMPENSATION PROGRAMS, 1978-79A

STATE & BUDGET DATE	PAYMENTS TO VICTIMS	TOTAL PROGRAM COST
ALASKA (7/1/78 - 6/30/79)	\$ 225,638.82	\$ 317,094.97
CALIFORNIA (7/1/78 - 6/30/79)	4,252,648.00	4,717,474.00
CONNECTICUT (4/1/79 - 9/30/79)*	2,707.07	15,663.53
DELAWARE (7/1/78 - 6/30/79)	205,800.00	328,700.00
FLORIDA (1/1/79 - 12/31/79)	1,567,527.00	2,090,036.00
GEORGIA	N/A	N/A(1)
HAWAII (7/1/78 - 6/30/79)	223,396.45	309,753.45
ILLINOIS (7/1/78 - 6/30/79)	1,700,000.00	1,882,000.00
INDIANA (6/1/78 - 5/31/79)	70,000.00	120,000.00
KANSAS (7/1/78 - 6/30/79)	36,127.00	54,071.00
KENTUCKY (7/1/78 - 6/30/79)	226,907.77(2)	226,907.77
MARYLAND (7/1/78 - 6/30/79)	1,459,230.49	1,602,834.49
MASSACHUSETTS (7/1/78 - 6/30/79)	1,411,289.69	1,411,289.69

TABLE 6 (CONT'D)

STATE & BUDGET DATE	PAYMENTS TO VICTIMS	TOTAL PROGRAM COST
MICHIGAN (10/1/78 - 9/30/79)	\$1,112,683.00	\$ 1,205,148.00
MINNESOTA (7/1/78 - 6/30/79)	387,1018.00	441,530.00
MONTANA (1/1/79 - 12/31/79)	131,010.39	162,410.39
NEBRASKA (1/1/79 - 12/31/79)	0	24,267.00 ⁽³⁾
NEVADA (7/1/78 - 6/30/79)	0	N/A ⁽¹⁾
NEW JERSEY (7/1/78 - 6/30/79)	1,002,246.00	1,232,335.00
NEW YORK (4/1/78 - 3/31/79)	5,357,802.00	6,217,613.00
NORTH DAKOTA (7/1/77 - 6/30/79)**	168,349.21	205,181.23
OHIO (7/1/78 - 6/30/79)	3,737,235.00	4,483,759.32
OREGON (1/1/78 - 12/31/79)**	550,000.00	711,000.00
PENNSYLVANIA (7/1/78 - 6/30/79)	700,000.00	942,000.00
RHODE ISLAND (1/1/79 - 12/31/79)	N/A	N/A ⁽⁴⁾
TENNESSEE (1/1/79 - 9/30/79)*	144,371.63	144,371.63
TEXAS (1/1/79 - 12/31/79)	N/A	N/A ⁽⁵⁾

TABLE 6 (CONT'D)

STATE & BUDGET DATE	ADMINISTRATIVE COSTS	TOTAL PROGRAM COST
VIRGIN ISLANDS (1/1/79 - 12/31/79)	\$ 133,156.29	\$ 149,061.45
VIRGINIA (7/1/78 - 6/30/79)	230,500.00	260,865.00
WASHINGTON (7/1/78 - 6/30/79)	1,301,654.00	1,432,760.00
WISCONSIN (1/1/79 - 12/31/79)	900,000.00	999,200.00
TOTALS	\$27,237,387.81	\$31,690,326.92(6)

* Denotes a period of time other than exactly one year.
 ** Denotes a biennial period.

- (1) Nevada and Georgia have "Good Samaritan" laws which award compensation to victims only if they were injured while attempting to prevent the commission of a crime against another.
- (2) Because administrative costs for the victim compensation program are combined with other functions, the administrative cost is not available.
- (3) To project the costs of administering the program, the Nebraska legislature provided only an administrative budget.
- (4) Rhode Island has passed a statute which will establish a crime victim program should Federal funds become available.
- (5) The Texas program began January 1, 1980.
- (6) The reader is reminded there are a number of "not available" (N/A) figures above, and this "total" represents only partial expenditures in the aggregate.

A Reproduced from the U.S. National Institute of Justice, Office of Development Testing and Dissemination. Compensating Victims of Crime, Participant's Handbook. Austern, D. et al., 1979: 77-78.

TABLE 7

BENEFIT PAYMENTS OF STATE CRIME VICTIM COMPENSATION PROGRAMS, 1980-81

STATE	BENEFIT PAYMENTS	TOTAL COST
ALASKA	\$ 237,100	\$ 339,300
CALIFORNIA	12,770,141	14,575,579
CONNECTICUT	632,000	719,650
DELAWARE	241,804	382,154
FLORIDA	1,800,000	2,180,000
HAWAII	432,513	509,931
ILLINOIS	2,078,000	2,310,900
INDIANA	-	-
KANSAS	173,142	235,025
KENTUCKY	-	-
MARYLAND	1,415,472	2,197,753
MASSACHUSETTS	-	-
MICHIGAN	1,822,605	1,980,800
MINNESOTA	573,089	647,084
MONTANA	271,023	321,559
NEBRASKA	57,686	99,686
NEVADA	-	-
NEW JERSEY	1,953,996	2,353,996
NEW MEXICO	-	-
NEW YORK	5,750,549	6,832,279

TABLE 7 (CONT'D)

STATE	BENEFIT PAYMENTS	TOTAL COST
NORTH DAKOTA	\$ 88,373	\$ 135,145
OHIO	7,654,240	9,188,519
OKLAHOMA	7,484	40,817
OREGON	519,000	623,000
PENNSYLVANIA	816,000	1,068,000
RHODE ISLAND	-	-
TENNESSEE	-	-
TEXAS	988,182	1,252,068
VIRGIN ISLANDS	121,967	137,967
VIRGINIA	430,687	485,462
WASHINGTON	2,378,634	2,628,634
WEST VIRGINIA	-	-
WISCONSIN	1,200,000	1,400,000

1 Data derived from the National Association Victim Compensation Program of U.S. Victim Compensation Program, unpublished text, 1982.

The sometimes substantial increase in costs occasioned by the payment of compensation awards is inevitably reflected in the aggregate costs of the various programs, as is illustrated in Tables 8 and 9.

TABLE 8

COST OF STATE CRIME VICTIM COMPENSATION PROGRAMS, 1978-79¹

STATE & BUDGET DATE	PAYMENTS TO VICTIMS	ADMINISTRATIVE COSTS	TOTAL PROGRAM COST
ALASKA (7/1/78 - 6/30/79)	\$ 225,638.82	\$ 91,456.15	\$ 317,094.97
CALIFORNIA (7/1/78 - 6/30/79)	4,252,648.00	464,826.00	4,717,474.00
CONNECTICUT (4/1/79 - 9/30/79)*	2,707.07	12,956.46	15,663.53
DELAWARE (7/1/78 - 6/30/79)	205,800.00	122,900.00	328,700.00
FLORIDA (1/1/79 - 12/31/79)	1,567,527.00	522,509.00	2,090,036.00
GEORGIA	N/A	N/A	N/A (1)
HAWAII (7/1/78 - 6/30/79)	233,396.45	86,357.00	309,753.45
ILLINOIS (7/1/78 - 6/30/79)	1,700,000.00	182,000.00	1,882,000.00
INDIANA (6/1/78 - 5/31/79)	70,000.00	50,000.00	120,000.00
KANSAS (7/1/78 - 6/30/79)	36,127.00	17,944.00	54,071.00
KENTUCKY (7/1/78 - 6/30/79)	226,907.77	N/A (2)	226,907.77
MARYLAND (7/1/78 - 6/30/79)	1,459,230.49	143,604.00	1,602,834.49
MASSACHUSETTS (7/1/78 - 6/30/79)	1,411,289.69	N/A (2)	1,411,289.69

TABLE 8 (CONT'D)

STATE & BUDGET DATE	PAYMENTS TO VICTIMS	ADMINISTRATIVE COSTS	TOTAL PROGRAM COST
MICHIGAN (10/1/78 - 9/30/79)	\$ 1,112,683.00	\$ 92,465.00	\$1,205,148.00
MINNESOTA (7/1/78 - 6/30/79)	387,108.00	54,422.00	441,530.00
MONTANA (1/1/79 - 12/31/79)	131,010.39	31,400.00	162,410.39
NEBRASKA (1/1/79 - 12/31/79)	0	27,267.00	27,267.00 ⁽³⁾
NEVADA (7/1/78 - 6/30/79)	0	N/A	N/A ⁽¹⁾
NEW JERSEY (7/1/78 - 6/30/79)	1,002,246.00	230,089.00	1,232,335.00
NEW YORK (4/1/78 - 3/31/79)	5,357,802.00	859,811.00	6,217,613.00
NORTH DAKOTA (7/1/77 - 6/30/79)**	168,349.21	36,832.02	205,181.23
OHIO (7/1/78 - 6/30/79)	3,737,235.00	746,524.32	4,483,759.32
OREGON (1/1/78 - 12/31/79)**	550,000.00	161,000.00	711,000.00
PENNSYLVANIA (7/1/78 - 6/30/79)	700,000.00	242,000.00	942,000.00
RHODE ISLAND (1/1/79 - 12/31/79)	N/A	N/A	N/A ⁽⁴⁾
TENNESSEE (1/1/79 - 9/30/79)*	144,371.63	N/A ⁽²⁾	144,371.63
TEXAS (1/1/79 - 12/31/79)	N/A	N/A	N/A ⁽⁵⁾

TABLE 8 (CONT'D)

STATE & BUDGET DATE	PAYMENTS TO VICTIMS	ADMINISTRATIVE COSTS	TOTAL PROGRAM COST
VIRGIN ISLANDS (1/1/79 - 12/31/79)	\$ 133,156.29	\$ 15,905.16	\$ 149,061.45
VIRGINIA (7/1/78 - 6/30/79)	230,500.00	30,365.00	260,865.00
WASHINGTON (7/1/78 - 6/30/79)	1,301,654.00	131,106.00	1,432,760.00
WISCONSIN (1/1/79 - 12/31/79)	900,000.00	99,200.00	999,200.00
TOTALS	\$27,237,387.81	\$4,452,939.11	\$31,690,326.92 ⁽⁶⁾

* Denotes a period of time other than exactly one year.

** Denotes a biennial period.

- (1) Nevada and Georgia have "Good Samaritan" laws which award compensation to victims only if they were injured while attempting to prevent the commission of a crime against another.
- (2) Because administrative costs for the victim compensation program are combined with other functions, the administrative cost is not available.
- (3) To project the costs of administering the program, the Nebraska legislature provided only an administrative budget.
- (4) Rhode Island has passed a statute which will establish a crime victim program should Federal funds become available.
- (5) The Texas program began January 1, 1980.
- (6) The reader is reminded there are a number of "not available" (N/A) figures above, and this "total" represents only partial expenditures in the aggregate.

1 Reproduced from the U.S. National Institute of Justice, Office of Development Testing and Dissemination. Compensating Victims of Crime, Participant's Handbook. Austern, D. et al., 1979: 77-78.

TABLE 9

ADMINISTRATIVE COSTS OF STATE CRIME VICTIM COMPENSATION PROGRAMS, 1980-81¹

STATE	ADMINISTRATIVE COSTS	TOTAL COSTS
ALASKA	\$ 102,200 - 30%	\$ 339,300
CALIFORNIA	1,805,438 - 12%	14,575,579
CONNECTICUT	87,650 - 12%	719,650
DELAWARE	140,350 - 37%	382,154
FLORIDA	380,000 - 11%	2,180,000
HAWAII	77,418 - 15%	509,931
ILLINOIS	232,900 - 10%	2,310,900
INDIANA	NOT AVAILABLE	-
KANSAS	61,883	235,025
KENTUCKY	-	-
MARYLAND	782,281 - 36%	410,533
MASSACHUSETTS	-	-
MICHIGAN	158,195 - 9%	1,980,800
MINNESOTA	73,995 - 11%	647,084
MONTANA	50,536 - 16%	321,559
NEBRASKA	42,000 - 42%	99,686
NEVADA	-	-
NEW JERSEY	400,000 - 17%	2,353,996
NEW MEXICO	-	-
NEW YORK	1,081,730 - 16%	6,832,279

TABLE 9 (CONT'D)

STATE	ADMINISTRATIVE COSTS	TOTAL COSTS
NORTH DAKOTA	\$ 46,772 - 35%	\$ 135,145
OHIO	1,531,279 - 17%	9,188,519
OKLAHOMA	33,333	40,817
OREGON	104,000 - 17%	623,000
PENNSYLVANIA	252,000 - 24%	1,068,000
RHODE ISLAND	-	-
TENNESSEE	-	-
TEXAS	263,886 - 21%	1,252,068
VIRGIN ISLANDS	16,000 - 12%	137,967
VIRGINIA	54,775 - 11%	485,462
WASHINGTON	250,000 - 10%	2,628,634
WEST VIRGINIA	-	-
WISCONSIN	200,000	1,400,000

1. Data derived from the National Association Victim Compensation Program of U.S. Victim Compensation Program, unpublished text, 1982.

Despite sometimes surprising increases in compensation costs, some estimates show⁷ that only about 8 per cent of all victims in the United States are affected by compensation programs because of the numerous eligibility provisions which have the effect of considerably reducing the numbers of victims who might otherwise receive assistance. As Table 10 indicates, a majority of the victims (64 per cent) require no medical assistance. Of those, 99 per cent miss less than ten days' work. Ninety-seven per cent of those requiring medical assistance have expenses of less than \$100.00 (and are frequently ineligible because of minimum loss provisions). With regard to the amount of time lost from work, 79 per cent were absent for periods of between one and ten days. Among those who had losses equal to or higher than \$100.00, 28 per cent lost no work days, 31 per cent between one and ten days and 41 per cent more than 10 days.

7. Garofalo, J., and Sutton, P. Compensating Victims of Violent Crimes.

TABLE 10

DETERMINATION OF VICTIM ELIGIBILITY FOR COMPENSATION ACCORDING TO POPULAR STATUTORY CRITERIA, UNITED STATES, 1974¹

Total	Medical Attention	Net Medical Expenses	Work Time Missed	Police Informed	Victim Related to Offender	
Personal victimization resulting in physical injury	Not required (1,009,327) ^a 54%		1-10 days (97,422) 99%	Yes (2,584) 100%	No (2,584) 100%	
				No 0%	Yes 0%	
	required (580,505) ^a 27%	\$100 (561,331) 97%	1-10 days (442,880) 79%	Over 10 days (118,481) 21%	No (10,153) 9%	Yes (8,278) 8%
					Yes (108,328) 91%	No (108,060) 92%
		\$100 (19,174) 3%	None (5,344) 28%	1-10 Days (6,014) 31%	Yes (5,344) 100%	Yes (1,717) 32%
					No 0%	No (3,627) 68%
			Over 10 days (7,816) 41%		Yes (6,014) 100%	No (6,014) 100%
					No 0%	Yes 0%
					Yes (7,816) 100%	No (7,816) 100%
					No 0%	Yes 0%

a Number of victimizations in subgroup
b Based on number of victimizations in preceding subgroup
c Percent computed on base that contains 50 or fewer sample cases

¹ Reproduced from the National Criminal Justice Information and Statistic Service. L.E.A.A., Compensating Victims of Violent Crimes: Potential Costs and Coverage of a National Program. Garofalo, J., and Sutton, P., 1978: 34.

METHODS OF FINANCING PROGRAMS

2. Methods of financing programs

Highly restrictive selection policies are a major factor in limiting the number of those who might be eligible for compensation. As said earlier, such policies were developed mainly to keep a lid on potential program costs, a primary concern in early discussions of this innovative program. There are two main sources of funds: subsidies granted by the federal government and general state revenues or revenues raised by the state through various methods of recovering monies paid out in awards.

2.1 Federal financing

Beginning in 1965, various bills were introduced concerning the federal government's role in financing state compensation programs. After a compromise between the House of Representatives and the Senate was reached in 1978, a definitive bill was debated in Congress, but defeated by a narrow margin on the last day of the session. In the first session of Congress in 1979, modified versions of the Senate and House bills were introduced. Although similar in several respects, the bills differed in respect of the amounts that were to be allocated to the states. While the House of Representatives bill (H-4257) was to cover half of each award made by the state programs up to a maximum of

\$50,000.00 per award, the Senate bill proposed instead to cover 25 per cent, up to a maximum of \$35,000.00 per compensation award.

The House expected to pay a total of \$15 million in subsidies in the first year and an additional \$10 million for each of the following two years, while the Senate was prepared to give \$30 million in the first year and an additional \$10 million for each of the following three years. Another difference between the bills was that the House bill had a "financial need requirement", while the Senate bill would have refused subsidies to any states making such a stipulation.

The bills coincided in a number of areas, however. Subsidies were to be granted only to those states which met certain standards. First, they had to reimburse medical expenses and those related to the victim's death. They also had to provide a ceiling of \$200 weekly on reimbursements for loss of earnings. The state programs had furthermore to provide an appeal procedure for the victim. Provision concerning subrogation and restitution⁷ were required by the federal government. Moreover, the latter obliged the

7. Restitution refers to what the offender pays into the program or to the victim. Subrogation is the procedure by which the program covers money paid to the victim from other sources.

states to adopt a provision allowing them to reduce the award or refuse any compensation in the case of a "victim who is responsible for his troubles". Finally, the programs had to provide a 72-hour limit for reporting the incident giving rise to the application for compensation, and a one-year limit for submitting such application to the compensation board. It should also be said that both bills provided for total recovery of the award in cases involving a federal offence.

2.2 State financing

The lack of federal subsidies to compensate crime victims and the difficult economic climate in various American states has led to the development of various methods to recover the funds paid out in compensation awards. The search for such methods has intensified in recent years. Of a total of thirty-one states with compensation programs, fifteen used one or another of these procedures in 1979, while the remainder met their program costs out of general revenues (Table 11).

It should be pointed out, however, that the majority of states that fund their compensation programs solely from general revenues provide for the possibility of reimbursement (through subrogation) should the victim

receive any form of compensation from another source. The same is true of the programs which specify methods of recovering awards (Table 12).

The most frequently used method of recovery (in thirteen out of fifteen states) is the imposition of penalties or court costs. These may vary between \$1 and \$25 depending on whether the conviction is for a felony or a misdemeanor. Here again, some schemes exclude traffic violations (Maryland). Kansas also provides for a penalty to be levied for civil misdemeanors. It should be noted that this sanction is frequently added to court costs or to a penalty which has already been imposed.

A third method, used by three states out of fifteen, consists in allowing the Court to impose a compensatory fine (Delaware), sometimes as much as \$10,000 (California, Florida). Two programs (California, Washington) provide for the recovery of awards made to victims through court-imposed restitution orders.

TABLE 11

METHODS OF FINANCING COMPENSATION PROGRAMS IN THE USA, 1979¹

STATES	STATE REVENUES SOLE SOURCE	OTHER METHODS
ALASKA	X	
CALIFORNIA		X
CONNECTICUT		X
DELAWARE		X
FLORIDA		X
GEORGIA	X	
HAWAII	X	
ILLINOIS	X	
INDIANA	X	
KANSAS		LEGISLATION PENDING
KENTUCKY	X	
MARYLAND		X
MASSACHUSETTS	X	
MICHIGAN	X	
MINNESOTA	X	
MONTANA		X
NEBRASKA	X	
NEVADA	X	
NEW JERSEY		LEGISLATION PENDING
NEW YORK	X	

TABLE 11 (CONT'D)

STATES	STATE REVENUES SOLE SOURCE	OTHER METHODS
NORTH DAKOTA	X	
OHIO		X
OREGON	X	
PENNSYLVANIA		X
RHODE ISLAND		X
TENNESSEE		X
TEXAS		X
VIRGIN ISLANDS	X	
VIRGINIA		X
WASHINGTON		X
WISCONSIN	X	
TOTAL	16	15

1 Data derived from the U.S. National Institute of Justice. Office of Development Testing and Dissemination. Compensating Victims of Crime, Participant's Handbook. Austern, D. et al., 1979: 83-89.

TABLE 12

METHODS OF RECOVERY AT THE STATE LEVEL, 1978-79¹

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs upon conviction	Fine upon conviction for violent crime	Civil suit	Restitution	Deduction from earnings in prison, on parole or probation	Interest from a fund
California			\$10 for any felony conviction \$5 for a misdemeanor	Court may impose fine of \$10 to \$10,000	X	If restitution ordered, the program must be reimbursed		
Connecticut			\$10 for every felony conviction and certain serious traffic offences including speeding tickets		X			
Delaware		10% on any fine, civil sanction, forfeiture of bail for a criminal offence, including traffic and speeding tickets		Court may impose a compensatory fine	X			
Florida		5% on any fine, civil sanction, forfeiture of bail	Court may impose additional court costs	Court may impose a fine up to \$10,000	X			X

TABLE 12 (CONT'D)

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs upon conviction	Fine upon conviction for violent crime	Civil suit	Restitution	Deduction from earnings in prison, on parole or probation	Interest from a fund
Kansas	X		Bill - \$1 for every criminal or civil offence		X			
Maryland	partly from state revenues		\$10 additional court costs on conviction for any crime except traffic offences		X			
Montana		6% on fine, forfeiture of bail for an offence against any state, municipal law and traffic offences except parking			X			
New Jersey	X		Bill - \$25 in addition to any criminal court costs		X			
Ohio			Additional \$3 on any conviction except traffic offences		X			

TABLE 12 (CONT'D)

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs upon conviction	Fine upon conviction for violent crime	Civil suit	Restitution	Deduction from earnings in prison, on parole or probation	Interest from a fund
Pennsylvania			Additional \$10 on any conviction, guilty plea or nolo contendere		X			
Rhode Island			\$10 on any misdemeanor conviction. If sentence is under 5 years, \$30; if over 5 years, \$50		X			
Tennessee			\$21 on any circuit court or criminal court conviction		X		If offender unable to pay \$21, it is deducted from prison earnings and \$5 may be imposed if on parole or probation	
Texas			\$10 in addition to court costs for misdemeanor punishable by prison, fine over \$200 and \$15 for any felony		X			

TABLE 12 (CONT'D)

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs upon conviction	Fine upon conviction for violent crime	Civil suit	Restitution	Deduction from earnings in prison, on parole or probation	Interest from a fund
Virginia			Additional \$10 on any conviction for treason, felony or certain misdemeanors		X			
Washington			Additional 10% on any felony conviction		X	If restitution ordered, the program must be reimbursed		

1 Data derived from the U.S. National Institute of Justice. Office of Development Testing and Dissemination. Compensating Victims of Crime, Participant's Handbook, Austern, D. and al., 1979: 83-89.

Under the Tennessee program, where an offender is unable to pay \$21 in court costs, this amount may be deducted from his earnings as an inmate, where applicable. The state's legislation also provides for the deduction of \$5.00 per month from the earnings of individuals on parole or probation. Finally, Florida's program has a provision whereby its funds are deposited in an interest-bearing account.

In 1980, of the thirty-three programs for which information is available, twenty-two used methods of recovery other than the usual provision for subrogation. This is a good indication of a tendency by the states to search for other methods (see the first two categories presented in Table 13).

By and large, the same methods prevail as in 1978-79, with the addition of a new provision in the Nevada and New Jersey programs, the so-called "Son of Sam" clause, which provides that a portion of the royalties received by an offender from writings or other productions arising out of the crime for which he was convicted to be paid into the compensation fund. There are some new developments in methods of recovery used by the programs in 1980-81. First, from a general point of view, in addition to Oklahoma and West Virginia, six states (Alaska, Indiana, Minnesota,

Nevada, New York and Oregon) went from a funding method based exclusively on general revenues to one based on a variety of methods of recovery.

Several states adopted new recovery provisions which were added to or substituted for the old ones. Although specific data is not available on this subject, it is clear that some methods are being modified. For example, the Montana program raised the percentage to be collected from fines from 6 to 18 per cent. The Washington program stipulates that the amount of additional penalty to be collected for conviction of any felony or serious misdemeanor is no longer 10 per cent but \$50.00, and \$25.00 for any misdemeanor.

TABLE 13

METHODS OF FINANCING COMPENSATION PROGRAMS IN THE USA, 1980-81¹

State	Only Source State Revenues	Other Methods	Total Costs	Total Revenues	Insufficient Funds	Changes Anticipated
Alaska		X			Yes	No
California		X			Yes	First year where state revenues unavailable, revenues from fine penalty/deficit anticipated/rev. requested
Connecticut		X			No	Bill to pay funds into an interest-bearing account earmarked compensation fund
Delaware		X			Yes	Bill to increase surcharge from 10% to 15%
Florida		X			No	Court costs and surcharge will apply to traffic offences
Hawaii	X				No	Will allow a 50% increase in revenues Request for \$500,000 in 1981 was turned down
Illinois	X				Yes	
Indiana		X			No	Creation of a specific fund
Kansas	X				No	Bill to impose \$25 for any felony, \$10 for any misdemeanor
Kentucky	X				Yes	Bill to impose court costs of \$15 for any felony, \$10 for a traffic offence
Maryland		X			Yes	Only \$318,230 covered by court costs
Massachusetts	X				Yes	Bill to divert in part or in total any fine and "Son of Sam" earnings, if there is no civil suit
Michigan	X				Yes	

TABLE 13 (CONT'D)

State	Only Source State Revenues	Other Methods	Total Costs	Total Revenues	Insufficient Funds	Changes Anticipated
Minnesota		X			Yes	Act will allow a 10% surcharge to be imposed on a fine for any misdemeanor, felony. This will be shared among victim services once the state has been reimbursed/minimum monetary penalty provided and a percentage of prisoners' earnings from work
Montana		X			No but new sentence provided	
Nebraska	X				Yes	Anticipated decrease in budget allocated by state
Nevada		X				
New Jersey		X			Yes	Court costs imposed and bill to impose a \$10 fine for juvenile conviction and \$25 for disorderly conduct
New Mexico	X					
New York		X				Bill to allocate earnings from the sale of unclaimed stolen goods to the compensation fund/restitution + severe minimum monetary punishment for arson/half of convicted arsonists' earnings to be paid as compensation
North Dakota	X				No	No change
Ohio		X			Yes	Increase in court costs to \$10
Oklahoma		X				
Oregon		X				

TABLE 13 (CONT'D)

State	Only Source State Revenues	Other Methods	Total Costs	Total Revenues	Insufficient Funds	Changes Anticipated
Pennsylvania		X			No	Anticipates an increase in revenues, because reported crime rate has risen
Rhode Island		X			No	
Tennessee		X			Yes	1980 legislation allows court costs to be imposed for conviction for serious crime/surcharge for any conviction except \$500 fine and nonimprisonment
Texas		X			Yes	In 1983, penalty on conviction for class C misdemeanor
Virgin Islands	X				Yes	Nothing anticipated
Virginia		X			Yes	1981: court fee increases to \$15/possibility of a specific fund
Washington		X			Yes	New legislation strengthens enforcement of penalties provided
West Virginia		X				
Wisconsin	X				No	

1 Data derived from the National Association Victim Compensation Program of U.S. Victim Compensation Program, unpublished text, 1982.

TABLE 14

METHODS OF RECOVERY AT THE STATE LEVEL, 1980-81¹

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs on conviction	Fine upon conviction	"Son of Sam"	Subrogation Civil suit	Restitution	Deduction from earnings, in prison, on parole, probation	Interest from fund
Alaska						X	X		
California		\$4 in addition to any \$10 fine, part to compensation fund, rest to victim services				X			
Connecticut			\$15 on any motor vehicle offence and DVI offence \$20 on any felony			X			
Delaware		Additional 10% on any fine, civil sanction and forfeiture of bail				X		10% of earnings in prison or on parole	
Florida		5% for any criminal sentence	\$10 additional court costs			X			
Indiana			\$15 Class A misdemeanor except traffic offence			X			
Maryland			\$10 for any conviction			X			

TABLE 14 (CONT'D)

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs on conviction	Fine upon conviction	"Son of Sam"	Subrogation Civil suit	Restitution	Deduction from earnings, in prison, on parole, probation	Interest from fund
Minnesota	Legislation pending for other methods					X			
Montana		18% on any fine, forfeiture of bail on any motor vehicle-related offence				X			
Nevada		Forfeiture of bail on any felony			Half the earnings paid for compensation	X			
New Jersey			\$25 court cost for common assault or any felony	If victim injured, possible fine up to \$10,000	Half the earnings paid to compensation program	X			
New York	Legislation pending for other methods					X			
Ohio			Additional \$3 if convicted, guilty plea except traffic offence			X			

TABLE 14 (CONT'D)

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs on conviction	Fine upon conviction	"Son of Sam"	Subrogation Civil suit	Restitution	Deduction from earnings, in prison, on parole, probation	Interest from fund
Oklahoma			\$5 for misdemeanor except traffic offence/\$25 for non-violent felony \$25-\$1,000 for violent felony			X			
Oregon						X	After 3 years, the restitution fund is paid to compensation program		
Pennsylvania			\$10 for any criminal conviction Title 18			possible 3rd party suit			
Rhode Island			\$10 for misdemeanor where sentence is less than 1 year in prison/\$30 for 1 to 5 years/\$50 if more than 5 years			X			
Tennessee			Court costs \$21, if criminal court, \$10 if sessions court			X		\$5/mo. if offender on parole	

TABLE 14 (CONT'D)

State	Main source of funds: state revenues	Surcharge in addition to fine, civil sanction, forfeiture of bail	Penalty or court costs on conviction	Fine upon conviction	"Son of Sam"	Subrogation Civil suit	Restitution	Deduction from earnings, in prison, on parole, probation	Interest from fund
Texas			\$15 for any felony/ \$10 per Class A & B misdemeanor (sentence + \$200 or prison)			X			
Virginia			\$15 for any felony or Class 1 & 2 misdemeanor except traffic offence and impaired driving			X			
Washington			\$50 for felony or serious misdemeanor/\$25 for misdemeanor			X			
West Virginia			\$3 for any felony, misdemeanor, including traffic offences			X			

1 Data derived from the National Association Victim Compensation Program of U.S. Victim Compensation Program, unpublished text, 1982.

The last columns of Table 13 indicate that despite the adoption of sometimes multiple funding methods, ten out of twenty-two states had a deficit in 1980-81. This led a large number of states to introduce legislative amendments aimed at replenishing their coffers.

In general, it seems that the states are adopting one of three procedures for that purpose. The first consists in increasing the surcharge, the penalty or the court costs (Washington, Virginia, Ohio, Delaware and Tennessee). It is interesting to note that the Tennessee program, which seems to be very successful in recovering its costs, provides a more extensive use of recovery method. Other states are opting instead for increasing the number of sources to be tapped, for example, by the inclusion of traffic violations or certain misdemeanors in addition to crimes (Florida, Texas). Other programs have preferred to adopt additional methods of recovery (Kansas, Kentucky, Massachusetts, Minnesota, New Jersey). And finally, the New York program has come up with a new method of recovery involving the money obtained from the sale of unclaimed stolen goods.

In contrast, other programs seem to have more than met their total budget, with total revenues considerably exceeding total costs (Connecticut, Hawaii, North Dakota, Pennsylvania, Rhode Island, Wisconsin).

CONCLUSION

As the preceding discussion indicates, recovery methods used by most American programs have one thing in common: they are directed primarily toward the offenders. This may be justified to some extent by the fact that it makes the offenders responsible for the sometimes painful experiences of their victims.

Nonetheless, the potential or even actual dangers of overcriminalization and the increased harshness in sentences which such methods may bring about must not be overlooked. When a surcharge is imposed in addition to a fine, a civil penalty, forfeiture of bail or court costs, this results in harsher treatment for those who come before the courts. The imposition of further court costs or penalties for any conviction whether it be a felony or a misdemeanor is tantamount to imposing a punishment over and above whatever sentence is pronounced by the Court. Such over-penalization may also result from the imposition of a fine or restitution order (already levied in the context of another sentence, for probation) or from the imposition of deductions from the earnings of inmates or individuals on parole or probation. This is not to criticize the use of fines or restitution in sentencing, but rather their use as a punishment in addition to the original sanction.

The use of such forms of sentencing by the courts is increasing. It is not at all certain that this trend will level off, especially since circumstances are arising that favour its development. The imposition of sentences through administrative regulations is one such circumstance.

It is evident that the Court may not feel bound by such regulations but it may feel bound in another way, so that it imposes a further sentence in addition on the grounds that it must take account of the various purposes of the punishment. From another perspective, it is important to query the fairness of such methods. If it is felt that an individual should be held responsible for the commission of a crime, it may appear unfair to him that he has to pay money in order to compensate someone other than the victim of the incident in which he was involved. Also, one should ask whether it is "fair" that an individual accused of a relatively minor crime, for example, a traffic violation, should have to pay for victims of violent crimes. Finally, since these various methods of recovery involve monetary punishment, should not the fact that they have different effects upon different individuals be taken into account?

APPENDIX

APPENDIX
TABLE 1
ADMINISTRATIVE PLACEMENT OF U.S. CRIME VICTIM COMPENSATION PROGRAMS¹

STATE	YEAR LEGISLATION ENACTED	PROGRAM PLACEMENT
Alaska	1972	New Administrative Agency
California	1965	Existing Administrative Agency
Connecticut	1978	New Administrative Agency
Delaware	1975	New Administrative Agency
Florida	1978	New Administrative Agency
Georgia	1967	Existing Administrative Agency
Hawaii	1967	New Administrative Agency
Illinois	1973	Courts System
Indiana	1978	New Administrative Agency
Kansas	1978	New Administrative Agency
Kentucky	1976	New Administrative Agency
Maryland	1968	New Administrative Agency
Massachusetts	1968	Courts System
Michigan	1976	New Administrative Agency
Minnesota	1974	New Administrative Agency
Montana	1977	Existing Administrative Agency
Nevada	1969	Existing Administrative Agency
New Jersey	1971	New Administrative Agency
New York	1967	New Administrative Agency
North Dakota	1975	Existing Administrative Agency
Ohio	1975	Courts System
Oregon	1977	Existing Administrative Agency
Pennsylvania	1976	New Administrative Agency
Rhode Island	1976	Courts System
Tennessee	1976	Courts System
Virginia	1976	Existing Administrative Agency
Washington	1974	Existing Administrative Agency
Wisconsin	1976	Existing Administrative Agency
Texas	1979	n/c
Virgin Islands	1968	n/c
Nebraska	1979	n/c

¹ It should be noted that Colorado, New Mexico, Oklahoma and West Virginia have also introduced compensation programs for crime victims.

Data derived from the U.S. Department of Justice report. National Institute of Justice. Criminal Justice Research Utilization Program, Compensating Victims of Crime, Program Model, 1979:20 and from the National Association Victim Compensation Program of United States: Victim Compensation Program, unpublished text, 1982.

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